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Senate

The Senate met at 2:15 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Father Paul Lavin, pastor of St. Joseph's Catholic Church on Capitol Hill, Washington, DC, will now lead us in prayer.

PRAYER

The guest Chaplain, Dr. Paul Lavin, offered the following prayer:

In the words of Saint Paul's letter to the Romans we hear:

For by the grace given to me I tell everyone among you not to think of himself more highly than one ought to think, but to think soberly, each according to the measure to faith that God has apportioned. For as in one body we have many parts, and all the parts do not have the same function, so we, though many, are one body in Christ and individually parts of one another. Since we have gifts that differ according to the grace given us, let us exercise them: if prophecy, in proportion to the faith; if ministry, in ministering, if one is a teacher, in teaching; if one exhorts, in exhortation; if one contributes, in generosity; if one is over others, with diligence; if one does acts of mercy, with cheerfulness.

Let us pray.

Direct, O Lord all our actions by Your inspiration and carry them on by Your assistance so that every prayer and action may begin in You and by You be happily ended. Glory and praise to You for ever and ever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JAMES INHOFE, a Senator from the State of Oklahoma, 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. INHOFE). The Senator from Utah, Mr. BENNETT, is recognized.

SCHEDULE

Mr. BENNETT. Mr. President, today the Senate will be in a period of morning business until 5:30 p.m. Under a previous order, the time between 4:15 and 5:30 is equally divided between Senators HATCH and TORRICELLI.

DIVISION OF TIME

I now ask unanimous consent that the time be equally divided between Senators HATCH and LEAHY.

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

Mr. BENNETT. There will be at least one vote on a motion to invoke cloture on the bankruptcy bill, with the possibility of a second vote on a motion to invoke cloture on the judicial nomination of Ted Stewart.

Following the votes, the Senate may begin consideration of the Department of Defense authorization conference report. Under the order, there are 2 hours of debate which may begin tonight, with a vote occurring tomorrow morning.

For the remainder of the week, the Senate will begin consideration of the HUD–VA appropriations bill and complete action on the Interior appropriations bill.

I thank my colleagues for their attention.

MEASURE PLACED ON CALENDAR

Mr. BENNETT. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 17) to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes.

Mr. BENNETT. Mr. President, I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. The bill will go to the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 5:30 p.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 3:15 shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

Who seeks recognition?

Mr. DORGAN. 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. HARKIN. 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, will the Senator from Iowa yield for a moment to allow me to propound a unanimous consent request?

Mr. HARKIN. I yield.

UNANIMOUS CONSENT AGREEMENT—S. 625

Mr. DORGAN. Mr. President, I ask unanimous consent that on the bankruptcy bill which is before the Senate

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

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all first-degree amendments must be filed by 3:15 p.m. and second-degree amendments be filed by 5:30 p.m. My understanding is both the majority and minority have cleared this unanimous consent request.

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

The Senator from Iowa.

EDUCATION FUNDING

Mr. HARKIN. Mr. President, on January 6 of this year, the majority leader stood on the Senate floor and told us that education would be a high priority for the Senate. This is exactly what he said:

> Education is going to be a central issue this year. Democrats say it is important and it will be a high priority. Republicans say it will be a high priority.

I am sorry to say Republicans cannot make that claim today. I want to take a few moments this afternoon, along with some of my colleagues, to assess where education is on the leadership's priority list.

We have less than 7 legislative days, and that is counting Mondays and Fridays—we do not do much on Mondays and Fridays—before the end of the fiscal year. There is one Education bill that must be enacted, and that is the Education appropriations bill.

Despite proclamations that education will be a top priority, the Senate has been working on all but 1 of the 13 appropriations bills. We have done at least some work on 12 appropriations bills. We have 1 left. Dead last: education. This is a list of all of the appropriations bills:

Military construction, No. 1 on the list—the President has already signed that—leg branch; Treasury; District of Columbia; Transportation; Defense; energy and water; Commerce-Justice-State; Interior; Agriculture; and VA–HUD, the full committee approved VA–HUD last week, and it will be on the floor this week. Education, no action taken. It is dead last on that list, and education is supposed to be a high priority with the leadership in the Senate? Those are wrong priorities. Education should be at the top of this list, not at the bottom of the list.

Despite a valiant effort by the chairman of our subcommittee, Senator SPECTER, the Education appropriations bill has not even been written. Senator SPECTER has fought every day to move this bill forward. He tried in June, July, August, and September. He tried again last week, and we cannot even meet to mark up the bill.

If that is not bad enough, the leadership has robbed the Education bill to pay for other bills. As a result, we are looking at deep cuts in all of the programs funded by the Labor, Health and Human Services, and Education appropriations bill.

Not only is education dead last on the calendar, it is dead last for resources. Our subcommittee started with an allocation, an allocation we received earlier this year, substantially below a freeze from last year. If that is not bad enough, it is even worse now.

Last week, the leadership staged another raid on education and took $7.276 billion in budget authority, $4.969 billion in outlays, from education and other essential priorities in the bill so they can get the VA–HUD bill to committee.

Our subcommittee allocation is $15.5 billion below a freeze. That means we are facing a whopping 17-percent cut in education.

This chart illustrates that. In fiscal year 1999, the year we are in right now, we had slightly more than $89 billion. This year, where we stand right now, we have $73.6 billion. That is a 17.3-percent cut that will be across the board.

What does that impact? A lot of things. Here is one: That cut will impact reducing class size and improving teacher quality. This cut will force communities to lay off 5,246 newly hired teachers. These are the the teachers hired this year, for whom we put money in, for reducing class size. They will have to be let go after just 1 year.

Funding will be cut for the Teacher Quality Enhancement Program for 24 States and 52 partnerships to improve recruitment and training of teachers. That is where we are right now.

We came to the Chamber last Thursday and talked about this issue. Later on in the day, the assistant majority leader, Senator NICKLES, came to the Chamber and said:

> I would like to correct the record, because I know I heard a number of my colleagues say the Republican budget is slashing education, it's at the lowest end, it's the last appropriation bill we are taking up. Let me correct the record.

He says:

> One, the budget the Republicans passed earlier this year had an increase for education. . . .

The budget. We are not talking about the budget. We are talking about actual money. I do not care what the budget said. I want to know where the real money is. When that budget got to our appropriations bill, we were cut below a freeze for last year, and certainly the leadership ought to know that.

Then he said:

> The Appropriations Committee has yet to mark up the Labor-HHS bill.

Our Education bill. Not that we have not tried. Senator SPECTER tried in June, July, August, and September to bring it up, and we are not allowed to bring it up. We are not allowed to mark it up.

Mr. NICKLES said:

> I understand from Senator SPECTER and others they plan on appropriating $90 billion. The amount of money we have in the current fiscal year is $83.8 billion.

That is off a little bit.

He says:

> So that is an increase of about $6.2 billion. . . . That is an increase of about 9 percent. That is well over inflation.

I am quoting Senator NICKLES. Our assistant majority leader says:

> I think it is too much. I think we should be freezing spending.

He is talking about education. He says it is too much. He says we have $90 billion. That is not so. Right now we have a total of $73.6 billion for our committee. That is it. If Mr. NICKLES has $90 billion, I wish he would show me the money. We would love to mark it up. We would love to give education an increase.

With all due respect to my friend from Oklahoma, the assistant majority leader, I wholeheartedly disagree with him that we freeze at last year's level of funding for education. I will go into that a little bit later, but we need an increase in education because of what is happening around the country.

Mr. NICKLES said:

> I think we should be freezing spending.

That says it all. The leadership is not committed to increased investments in education. If they had their way, according to the assistant majority leader, they would freeze funding for education.

We need additional investments in education. Why? Let's look at it this way: The average school building in the United States is 42 years old; 14 million children attend classes in buildings that are unsafe or inadequate. Enrollment is booming. There are more children in U.S. schools than at any time in our history. Class sizes are expanding. It is not unusual for elementary schools to have 30 to 35 kids in a class.

Our schools are literally bursting at the seams to accommodate the 53.2 million students enrolled in public schools. These students need teachers; they need the latest technology; they need computers in the classrooms if we are going to compete in the next century, in the next millennium.

So when the assistant majority leader says he wants to freeze education funding at last year's level, that says it all. They are not going to make education a priority. They do not care what is happening with the burgeoning classroom sizes.

There are priorities and there are priorities. The leadership found $16 billion more for the Pentagon. It is interesting that this is $4 billion even more than what the Pentagon asked for. Having spent a number of years myself in the military and having been on the Appropriations Committee for a number of years, I can say, without any fear of contradiction, I have never seen, nor do I think I will live long enough to ever see, the Pentagon ask for less money than they actually need. They always ask for more money than they need. Yet the leadership said that is not even enough; we are going to give you $4 billion more.

I have heard one plan after another for how we are going to fund education. The assistant majority leader said we have $90 billion, but we only have $73

billion. I do not know where he found this money. I challenge the assistant majority leader to come on the floor and tell us where we get the $90 billion. I would like to see it.

They are talking about delaying the earned-income tax credit for poor working Americans. How about that for funding education. Talk about robbing Peter to pay Paul.

Then there is talk about cutting Medicaid, or a large across-the-board cut in the bill.

Then we have heard talk about extending the fiscal year; we are going to have another month. We are not going to have 12 months in a year. We are now going to have 13 months in a year. I have even heard grade school kids laughing about that one. That does not pass the laugh test around here.

All I can say is President Clinton sent us a budget that increased funding for education programs which had the offsets necessary so we did not have to raid Social Security and Medicare. It was not as much of an increase as I would like to have seen, but at least it is an increase and not a 17-percent cut. He had the offsets there, too.

In fact, whenever the leadership so deigns that our education subcommittee can meet and mark up our bill, I will propose an offset that will deal with raising $5.9 billion next year for cutting teen smoking, which has been fully calculated by the CBO to raise that much money. So we get two things: We will cut teen smoking and raise some money for education.

Over the past 5 years, we have had many legislative fights over the education budget. In 1995, the Republican leadership was so insistent on cutting education they shut down the Federal Government to make their point. The American people made their views well known at the time. They said: Do not cut education. As a result, the cuts were restored and additional investments were made. I must say that since 1996, education investments have increased, although the leadership has been dragged, kicking and screaming, to the table every single year. And this year is no exception.

The American people understand this. They are telling us loudly and clearly to make education a top priority. A recent ABC News poll found that three out of four Americans say improving education will be very important in the next election. Another poll, done by the University of Chicago, found that 73 percent of Americans favor increasing Federal investment in education. Yet our assistant majority leader says we need to freeze it. Someone is out of step with the American people.

Lastly, there is one other chart I want to show about what is happening. I continually hear from my constituents in Iowa and from Iowa legislators, and others, that property taxes keep going up all the time. Property taxes are going up. State legislators are feeling the pinch about putting more and more money into education. They are wondering what is happening. This chart shows what is happening.

In fiscal year 1980, of all the money spent in this country on elementary and secondary education, the Federal Government provided 11.9 percent. In 1998, last year, the Federal Government provided only 7.6 percent of the total funding for elementary and secondary education.

The Federal Government, through the 1980s—the Reagan and Bush years and on into this decade—had been cutting the amount of Federal support for elementary and secondary education. This gap from about 11.9 percent to 7.6 percent is made up in property taxes. It is made up in local taxes and State taxes—where they have been asked and see the need to fill in that gap. So we have failed in our responsibility to adequately help our States and local communities fund education.

I see my friend from Hawaii is here. I just want to make one other short comment and I will yield the floor to him.

Last Thursday, the assistant majority leader said something about teachers. He said:

> I heard both of my colleagues say—

Being me since I was the one speaking—

> ''Boy, we need more Federal teachers or more school buildings.''

Then Senator NICKLES said:

> Is that really the business of the Federal Government?

I never said we need more Federal teachers. But I did say we need more local teachers. We need more teachers to help reduce the size of classes. I believe that is a legitimate Federal responsibility, going out and helping our local communities. Not a one of those teachers we hired this year to reduce class size works for the Federal Government. They work for local school districts. But we are doing our part in helping.

To say that we need more school buildings is right. There are more children in U.S. schools than at any time in our history—53.2 million students. The average age of our buildings is 42 years old.

Yes, Mr. NICKLES, we need some newer schools, more schools, and we need some more computers in classrooms; we need more qualified teachers and more teachers to reduce class size. But, again, education is last on the list.

Last, we are facing the end of the year. We have a 17-percent cut where we stand right now in education—dead last. So much for Republican priorities on education.

I yield the floor.

Do I control the time, Mr. President?

The PRESIDING OFFICER. The time was allocated to the Senator from Illinois, Mr. DURBIN, or his designee.

Mr. HARKIN. I ask unanimous consent that I be allowed to yield whatever time he may consume to the Senator from Hawaii.

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

The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise to add my voice to others who are calling for increases in education funding. Our investment in the education of future generations that will someday run this country cannot be undervalued. We must ensure the best education for our young people. However, this will not happen if we undermine education as a priority by cutting funding for schools, classrooms, and students. This funding would be deeply reduced for years to come without a veto of the tax bill, as President Clinton has promised. In addition, we may see reductions in fiscal year 2000 funding if we do not give greater emphasis to education as a priority in the current appropriations process.

This is the challenge before us today. Education's share of the Federal budget has declined, and it did not start out at a significant percentage to begin with. Education makes up 2 percent of the fiscal year 1999 budget. Compare this 2 percent with about 15 percent for defense, 22 percent for Social Security, 11 percent for Medicare, and 13 percent for interest on the debt. These numbers are reported by the Committee for Education Funding.

In addition, the Federal share of education funding has declined, falling from 14 percent for elementary and secondary programs in fiscal 1980 to 6 percent in fiscal year 1998. For higher education, the Federal share fell from 18 percent to 12 percent from 1980 to 1998. Because Federal dollars leverage more support for education from other sectors of the economy, we cannot allow the Federal share to dwindle.

We can scarce afford to continue this way and shrink the education dollar if we look at what lies ahead. According to the recent Baby Boom Echo Report from the U.S. Department of Education, total public and private school enrollment in this country has risen to a record 53 million students. Furthermore, between 1989 and 2009, elementary school enrollment will have increased by 5 million children, secondary enrollment by almost 4 million students, and college by 3 million students.

The report lists Hawaii among the top 15 states in enrollment growth. For public elementary and secondary enrollment, in a decade, Hawaii will have 26,000 more students in its schools, reaching 227,000 students. This means 13 percent more students will be in Hawaii's classrooms in 2009 than are there today. Many States are facing similar projections, and there seems to be no end in sight to this growth.

There will be tremendous repercussions from this Baby Boom Echo. One example is in the need for school construction and modernization. Mr. President, in Hawaii, about three in every four schools need to upgrade or repair buildings to good overall condition. More than half of schools report

at least one inadequate building feature, whether the roof is leaking, plumbing is not functioning well, or windows are inadequate. In addition, four out of five schools report at least one unsatisfactory environmental factor, such as air quality, ventilation, or lighting. We will need to attend to some or all of these conditions soon as Hawaii continues to feel the impact of increasing enrollments.

Over the next decade, the Hawaii Department of Education estimates that it will need $1.5 billion for capital improvements. This will include 15 new elementary schools, 2 new intermediate schools, and 2 new high schools. The figure also accounts for 400 new permanent classrooms and $120 million for building replacement.

In addition, class size will need to be reduced before learning is stifled altogether—this will be had to do with more students in schools. Hawaii's average class size is already in the mid-20s, while the recommended size is 18. These are only a few examples of the need in our public schools that will be heightened by rising enrollments.

It is easy to see shy I cannot condone the education cuts that would result if the tax bill became law. I am not opposed to tax cuts, but committing $792 billion to tax cuts at this time would lead to serious neglect of this country's greater priorities. In an era of budget surplus, we would have to hang our heads in shame for using funds for tax breaks when problems loom large: Social Security and Medicare need to be made solvent for future decades; the amount we are putting toward interest on the debt must be reduced; and our domestic priorities, including education, most be boosted.

However, the majority's tax plan calls for about 50-percent cuts in nondefense discretionary programs. For education, this means: 6 million children denied extra academic support under Title I funds for the disadvantaged, including 25,000 students in Hawaii; almost 800,000 students denied a Pell grant, including 2,000 in Hawaii; and nearly $3 billion less in IDEA funding to States, including $9 million intended for special education in Hawaii. The tax bill would mean a giant step backward for education.

Now, it appears that the majority is going after education funding for the next fiscal year. It is bad enough that the Labor-HHS-Education appropriations bill is often left for last, which means that it picks up ''leftovers'' after other appropriations bills have been taken care of. This is how we treat a bill that contains programs for the most vulnerable Americans.

We are currently tangling with an even bigger problem with this bill caused by low allocations for the Labor-HHS bill—something which could have been avoided in this era of surplus. In their zeal to keep the budget surplus sacred for tax cuts, my colleagues in the majority capped the Labor-HHS bill at $73.6 billion. This would translate into a 17-percent cut in overall education funding.

We know that this 17-percent cut will be felt by State and local education agencies, school districts, schools, and classrooms. Its impacts will go directly to our children. The Safe and Drug Free Schools Program will be cut almost $80 million from current funding, which means a cut of more than $375,000 from programs in Hawaii's school- and community-based drug education and prevention activities. Looking at title I for the disadvantaged once again, Hawaii would lose more than $3 million. Hawaii's schools cannot afford this loss in funding. There are additional cuts I could list. The bottom line is that it would be a travesty to see this Congress ravage education funding.

Mr. President, I stand here not only as a Senator representing the people of Hawaii. I stand here as a former teacher, vice principal, principal, and administrator in Hawaii's school system. I remember what it is like to be at the front of a classroom with young faces and bright eyes eager to learn and looking for guidance. I listened to parents' concerns at PTA meetings. I talked to individual students about a poor academic record, spotty school attendance, or disruptive behavior that made it difficult for others in the class to learn. I remember what it was like being on the front lines of education.

I cannot see any good for the future of our country coming out of these large education cuts. We bemoan problems facing our schools today such as unexpected and shocking incidents of violence. Let us put muscle behind our rhetoric and treat education as a priority by preventing this 17-percent cut.

I ask my colleagues to join me in restoring education as a priority and calling for increases, not huge decreases, in the investment in our country's future. I thank my colleagues for this opportunity to speak on an issue that is near and dear to my heart, and I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to proceed for up to 10 minutes as if in morning business.

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

QUALITY TEACHERS FOR ALL ACT AND THE TECHNOLOGY FOR TEACHING ACT

Mr. BINGAMAN. Mr. President, during the next couple of weeks, I plan to introduce a series of education bills for consideration in the context of reauthorization of the Elementary and Secondary Education Act (ESEA). As you know, one of the most important issues facing America today is improving the quality of our public school system. Improving the quality of education in America requires a comprehensive approach. I believe the basis for that approach must be raising standards and achieving greater accountability. This approach cannot focus on any one facet of our education system but must address all facets. The bills that I will introduce address three key areas; these bills raise standards and improve accountability for our teachers, for our schools and for our students. Today, I am pleased to introduce two bills, which I believe will go a long way towards raising standards for teaching in America's schools—the Quality Teachers for All Act and the Technology for Teaching Act.

Improving teacher quality continues to be one of my top priorities in the Senate, because research demonstrates that teacher quality is the single most important factor in student achievement. The Quality Teachers for All Act will improve instructional quality by ensuring that teachers in Title I classrooms possess the subject matter knowledge, teaching knowledge and teaching skills necessary to work effectively in our nation's classrooms. The Technology for Teaching Act, which I introduce today on behalf of myself, Senator PATTY MURRAY and Senator COCHRAN, will improve the quality of instruction by providing teachers with necessary training in the use of technology in the classroom.

I am a strong supporter of the hard-working teachers in American classrooms. As the son of two teachers, I know that the profession is extremely challenging and meaningful. I also know that the vast majority of our teachers are dedicated, professional and competent. Far too many schools in America, however, allow classrooms to be led by teachers with insufficient training and qualifications to teach. Unfortunately, it is the schools and classrooms with the neediest children who often have the greatest number of unqualified teachers. During a time when we are demanding increased levels of performance for our schools and our children, we also must set high standards for all our teachers, including those instructing students who will have the greatest hurdles to overcome in the learning process.

Improving teacher quality is one of the most important changes we need to make to our educational system—especially if we are serious about improving the education of low-income and minority children. Good teachers are so important that almost half of the achievement gap between minority and white students would be erased if minority children had access to the same quality of teachers, according to recent research published by the Education Trust. Parents, business leaders, and the public at large rank teacher quality as a top concern because it just makes sense that a student's teacher would have a dominant effect on his or her education. The need for further progress in improving teacher quality was recently highlighted in two 1999 studies—one from the Secretary of Education, the other from Education Week.

Over 30 percent of all math teachers are teaching outside of their field of academic preparation—with even higher percentages in other academic areas and in high-poverty schools. Almost 15 percent of the new teachers hired in high-minority districts lack full teaching credentials, which usually involve passing tests to demonstrate needed skills and knowledge. In my home State, during the past school year, 1,074 people were teaching in New Mexico's schools with substandard licenses. Another 737 of New Mexico's teachers were teaching subjects they weren't certified to teach.

The Quality Teachers for All Act addresses this problem by requiring that all teachers in schools receiving Title I funds be fully qualified. This means possessing necessary teaching skills and demonstrating mastery in the subjects that they teach. By ensuring quality teachers in every classroom, we will be empowering our children by providing one of the most important resources for academic achievement. Under the Quality Teachers for All Act, an elementary school teacher must have State certification, hold a bachelor's degree and demonstrate subject matter knowledge, teaching knowledge and teaching skills required to teach effectively in reading, writing, mathematics, social studies, science, and other elements of a liberal arts education. Middle school and secondary school instructional staff must have state certification, hold a bachelor's degree, and demonstrate a high level of competence in all subject areas in which they teach. This demonstration of competence may be achieved by a high level of performance on a rigorous academic subject area test, completion of an academic major (or equal number of courses, or in the case of mid-career professionals, a high level of performance in relevant subject areas through employment experience.

Recognizing that some areas have difficulty attracting qualified teachers, the Quality Teachers for All bill addresses this problem by allowing school districts to use funds authorized under the bill to provide financial incentives for fully qualified teachers, such as signing bonuses. In addition, the bill supports efforts to recruit new teachers by providing alternative means of certification for highly qualified individuals with college degrees, including mid-career professionals and former military personnel. The bill also provides support for State efforts to increase the portability of teachers' pensions, certification and years of experience so that qualified teachers can have greater mobility and districts can fill unmet needs for qualified teachers more easily. School districts also may use the funds to support new teachers to ensure that we retain the qualified teachers that start in the profession.

The bill also empowers teachers by providing financial support for programs designed to assist teachers currently working in the system to achieve the qualifications required under the bill. The bill will provide grants to assist States and LEAs to provide necessary education and training to teachers who do not meet the necessary qualifications. The forms of assistance can include tuition for college or university course work.

Recognizing the critical role played by parents and the need to make them a partner in our efforts to raise teaching standards, this bill requires districts and schools to provide parents with information regarding their child's teacher's qualifications. This effort builds on provisions I authored which became part of the Higher Educations Act of 1998. Those provisions require a national report card on teacher training programs. By reporting this information, the public as well as the schools can assess the strengths and weaknesses of teacher training programs. Likewise, the parental right-to-know provision in the Quality Teachers for All Act will empower parents by informing them of the strengths and weaknesses of their children's teachers and help them to provide support for increased teacher quality efforts.

If our educational system is going to prepare our children for the 21st Century, we must do a better job at preparing our teachers and our students to use the tools of the 21st Century—technology. We also must use this valuable resource to improve instruction and expand access to learning. Therefore, efforts to raise standards for teaching also must include greater incorporation of technology into our teacher training programs and our classrooms. In response to this need, I—along with Senators MURRAY and COCHRAN—are proud to introduce the Technology for Teaching Act. If enacted, this bill will build on existing efforts to improve teacher training in the use of technology in the classroom and provide resources to develop innovative uses of technology in the classroom.

Education technology can enlarge the classroom environment in ways that were unimaginable only a decade ago and can empower students to develop as independent thinkers and problem-solvers. Teachers deserve the skills needed to bring these extraordinary resources and opportunities into the classroom. Without these skills, America's teachers will find it increasingly difficult to meet the rising international standards of educational excellence. We also must provide for research and development, as well as evaluation of existing uses of technology, in order to ensure that the most effective education-related technology is in place in our nation's schools. In addition, we must close the digital divide by making technology available to all students, during the school day and outside the school day.

The Technology for Teaching bill will provide federal support to: (1) provide training to teachers to assist them to integrate technology into their classrooms; (2) evaluate the role of technology in the classroom; (3) stimulate the development and use of innovative technologies to assist students to achieve high academic standards; and (4) narrow the ''digital divide'' by providing high-need communities and students with greater access to technology.

Experts say that we should invest at least 30 percent of our technology budget in training. Nationally, we are now investing less than one-third that amount. Only 15 percent of teachers had 9 or more hours of technology instruction in 1994. Trained teachers help make computers useful to students, connect school to the home and community, and help prevent misuses of technology. Most of all, trained teachers can improve student achievement by applying the technology to academic content areas. The Technology for Teaching Act establishes two teacher training programs, administered by the Office of Education Technology in the Office of the Deputy Secretary of Education, to make competitive grants to State Departments of Education. One program promotes the inclusion of education technology in the initial undergraduate preparation of new teachers; the other focuses on ongoing professional development of current teachers.

Schools of education that train new teachers will be eligible to apply to State Departments of Education for grants to improve their programs in education technology. Grant support would require and enable schools of education to work in collaboration with local K–12 school districts and the education technology private sector. Through these partnership activities, schools of education will improve and expand the ways in which they prepare future teachers to use technology in the classroom.

Local K–12 Education Agencies (LEAs) will be eligible to apply to State Departments of Education for grants to improve their professional development programs in education technology. In applying for grants, LEAs will be required to develop consortia that include one or more schools of education, education technology companies, and other partners able to help improve their professional development programs. These consortia will provide LEAs and teachers with access to the latest education research and the most current education technology available. The results of these partnership activities will be new and innovative programs for teacher professional development.

The question of whether education technology is an effective tool in the classroom is already being answered in part by solid peer-reviewed studies which show a significant improvement in student performance and attitude in all age groups and all subject areas through better use of technology. This research demonstrates what advocates have believed all along: if used correctly, technology in the classroom

produces measurable improvement in student achievement and enthusiasm. A new $25 million research and evaluation program at the National Science Foundation will provide even more insight into the positive impact of education technology. The need for a larger scale research and coordination initiative remains. The Technology for Teaching Act requires the Secretary of Education to evaluate existing and anticipated future uses of educational technology. The Secretary may conduct long-term controlled studies on the effectiveness of the use of educational technology; convene experts to identify uses of technology that hold the greatest promise for improving teaching and learning and to identify barriers to the commercial development of effective, high-quality, cost-competitive educational technology and software.

We also must continue to support research and development efforts to explore new uses for technology to improve instruction. The bill provides for grants to stimulate the development of innovative technology applications. The Secretary awards competitive grants to consortia of public and private entities developing innovative models of effective use of educational technology, including the development of distance learning networks, software (including software deliverable through the Internet), and online learning resources. For example, grants could be awarded to projects seeking to develop web-based instruction to provide access to challenging content such as Advanced Placement courses.

Reduces inequities in access to computers and the Internet must continue to be a main function of federal education technology programs. Education technology can engage students, provide much-needed employment skills, and open up a world of learning and experiences. But like well-trained teachers and new school buildings, these resources tend to flow to wealthier school districts. If we believe that no child should be too poor to have a quality teacher, a safe classroom or textbook, the same should hold true for access to computer technology. The federal government ha always been the great equalizer between the haves and have-nots. Therefore its main mission with respect to education technology should be to do what it does best—level the playing field so all students can acquire the computer skills to function in today's world. the bill targets existing technology grants and the new grant funds authorized by this bill to high-poverty, low-performing schools. The bill also supports the development and expansion of community technology centers to serve disadvantaged residents of high-poverty communities. The centers provide access to technology and training for community members of all ages.

By ensuring high-quality, well-prepared teachers in our classrooms, we empower our educational system and our nation to meet the challenges of an increasingly complex and challenging world. I know that most, if not all, of my colleagues agree that a critical first step in improving our nation's schools is to support efforts to raise standards for teaching in our poorest and most challenged schools and to prepare our teachers and our children in the use of technology, while also capitalizing on the benefits of technology as an educational tool. We made great progress in our efforts to improve the quality of instruction by raising standards for teacher quality in the higher Education Act last year and through existing program supporting the use of education technology in schools. I urge my colleagues to continue to support these efforts by supporting passage of the Quality Teachers for All Act and the Technology for Teaching Act.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. KENNEDY. I yield myself 10 minutes.

Mr. President, I hope our colleagues pay careful attention to the excellent presentation that has been made by my friend and colleague from New Mexico. I think all Members who are fortunate enough to serve on the Education Committee know Senator BINGAMAN has been tireless in addressing the issue of enhancing the quality of education for the children of this country. This afternoon he outlined very important, thoughtful steps that I think ought to draw strong bipartisan support. He has certainly urged our colleagues to try to find ways in which we can work together in support of those proposals. I join with him in urging our colleagues to do so.

For the number of years I have been in the Senate, the issue of education has never been a partisan issue. I think for the first 15 years I was in the Senate on the Education Committee, we never had a single vote that divided Republicans and Democrats on issues of education—not that we always got it right, but we always attempted to find ways of working closely together.

We recognize there are limited resources we can provide for education, probably 7 cents out of every $1, but what the American people are looking for is a partnership to try to find ways we can enhance educational opportunities to children.

I rise somewhat reluctantly to draw attention to the fact that we are in a very desperate situation as we come to the end of this session in regards to addressing the issues of education. I think many of us remember the early January speeches by our Republican leader. Senator LOTT said, ''Education is going to be a central issue this year. The Democrats say it's important and it should be a high priority. Republicans say it's a high priority.'' Many were hoping this was the clarion call for all to come together and work together. We had similar statements by our good friend, the chairman of the Budget Committee, Senator DOMENICI, who said, ''I'm going to recommend the Republicans say it's time to quit playing around the edges and dramatically increase the amount of money that we put in public education.'' This was enormously encouraging.

At the outset, I will say just allocating resources is not always the answer to the challenges we are facing in education. It is a pretty clear indication of what our Nation's priorities are. We heard from the leadership in the Senate the rhetoric that this was going to be the education Congress and the education year.

It is appropriate that we look back over this past year and over the past few years to find out exactly what our record has been under this leadership in the areas of education. I can remember right after the 1994 elections with the new leadership elected in the House and the Senate of the United States Congress, one of the first things we had was not an appropriation of additional funding in the areas of education, but we had a recision.

What does a recision mean? It means it is the judgment of the House, the Senate, and the President to allocate certain resources in the education programs. In my hand I have the conference report, the 1995 recisions: $1.7 billion in the House of Representatives. Those were programs, for example, such as the Title I program to help some of the neediest children; it was cut back almost a third; the Eisenhower Professional Development Programs, which enhance teacher qualities for math and science in our high schools, cut $100 million; the Safe and Drug Free Schools, cut $472 million.

We air a great deal of rhetoric on the floor of the Senate about how we will make our schools more safe and secure. Going back to 1995, we find the attempted recisions in the areas of education. Then in 1996—I have the report on the appropriations, the request from the House appropriations which is $3.9 billion below the 1995 figures. That is under the Republican leadership in the House of Representatives—$3.9 billion below.

Does this sound as if it is beginning to be a pattern?

Wait just a moment, and we will find out what happened in 1997. I have the committee report on appropriations for 1997. This was $3.1 billion below the President's request.

Now we have 1995, we have 1996, we have 1997; we have 1998, $200 million below the President's total; and now, 1999, $2 billion below the President's request.

That is a fearsome record in terms of the allocation of scarce education resources. Now we see this happening again this year. That is why Democrats are so concerned.

We have seen under the Republican leadership a recommendation of a 17

percent cut in education that would be represented by a $15 billion cut this year in the education programs on an appropriation that we cannot even have sent here to the Senate. We find that somewhat distressing and disturbing.

What has happened in the past when the Republican leadership had responsibilities? The education proposal in 1995 came in 7 months after the end of the fiscal year. In 1997, the final agreement was not passed until the final day of the old fiscal year, September 30, 1996. In 1998, it was passed 1 week after the end of the fiscal year. In 1999, it was passed 3 weeks after the end of the fiscal year.

There is a pattern here—cutting back on education resources and doing it at the very end, the last business for the Congress.

If a political party wants to put education at the top of the American agenda, it doesn't come last, it comes first. It doesn't come with the greatest kinds of cuts we have seen in any appropriations bill in recent times; it comes after due deliberation of these very needs and requirements and then the support for those programs. That is the way we deal with it.

That is what we find as we come into the last weeks—the enormous frustration of many in this body who believe very deeply, as the American public does, that if we are going to meet our responsibilities in education, we ought to have the opportunity to debate these issues in a timely way and not have the efforts that have been made on 17 different occasions when we tried to bring up various amendments, to have those amendments either immediately tabled or immediately effectively ignored, virtually denying Members the opportunity of having a full and complete debate on what are our fundamental and basic responsibilities for a national Congress and a President of the United States in education.

So I believe the Republican leadership bear grave responsibilities in this area. We will over these next few days point this out in very careful detail, about what these particular cuts and programs are, and how they have really affected and adversely impacted the opportunities for children to move ahead. That is the record. It is one of great discouragement, and it is one I hope our Republican friends will be willing to address.

MINIMUM WAGE AND BANKRUPTCY

Mr. KENNEDY. Mr. President, last Thursday the majority leader filed a cloture motion on S. 625, the Bankruptcy Reform Act of 1999. If the Senate adopts cloture, an amendment to increase the minimum wage could not be offered to the bill. Some Senators may support cloture because they believe the minimum wage is not relevant to the bankruptcy debate, but I disagree. Raising the minimum wage is critical to preventing the economic free-fall that often leads to bankruptcy, and many of us have sponsored the Fair Minimum Wage Act of 1999 to begin to right that wrong.

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

Mr. KENNEDY. Is that all 15 minutes?

The PRESIDING OFFICER. The 10 minutes allotted to the Senator from Massachusetts.

Mr. KENNEDY. Then I yield to myself just 4 of the last 5 minutes, please.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KENNEDY. I thank the Chair.

Mr. President, invoking cloture would deny us the opportunity, on the floor of the Senate, to offer a minimum wage amendment that will raise the minimum wage 50 cents next January and 50 cents the year after and provide some $2,000 of purchasing power for minimum wage workers. In all, over 11 million Americans will benefit from an increase in the minimum wage.

We seek to raise the minimum wage at a time of virtual price stability, at a time of virtual full employment, and at a time when the ink is not even dry on the vote by the Members of the Senate to give themselves a pay increase of over $4,000 this year. I will say, at least the Democrats who voted in support of that increase would also vote in support of an increase in the minimum wage. But why should we be denied that opportunity? Why should we be denied the opportunity to have a vote on this particular issue? It makes such a difference to families that work 40 hours a week, 52 weeks of the year.

We believe raising the minimum wage is relevant to the bankruptcy issue. The threat of bankruptcy is related to the availability of resources. The fewer financial resources individuals have, the more difficult it is for them to meet their economic challenges. We do not have the opportunity, at least at this time, to get into all of the reasons so many individual Americans are going into bankruptcy. But we find half of the women are in bankruptcy because their husbands refuse to pay child support. Of workers who are over 55, the greatest percentage of those in bankruptcy are there because they don't have health insurance. Many in bankruptcy are workers dislocated from their jobs because of mergers, who find themselves caught in a downward economic spiral.

We should have an opportunity to address those issues. Why does the Republican leadership deny us the chance to have a fair vote on raising the minimum wage, providing hard working Americans with an extra $2,000? That might not seem like a lot to many here, but it is about 7 months' worth of groceries for a family, or 5 months of rent. It will pay for almost two years of tuition for a worker or her son or daughter to attend a community college. It is a lot of money for many hard-working Americans.

Finally, the minimum wage is a children's issue because the children of workers who earn minimum wage are impacted by their parents' scarce resources. It is a women's issue, because the majority of minimum wage workers are women. It is a civil rights issue because one-third of minimum wage workers are African-American or Hispanic. It is basically and most fundamentally a fairness issue. At the time of the greatest prosperity in the history of this country, are we going to continue to deny our brothers and sisters, Americans who are working hard, 40 hours a week, 52 weeks of the year, the opportunity to have a livable wage?

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Kathy Curran, a Labor Department detailee, be granted the privilege of the floor during today's debate.

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

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois has 1 minute remaining.

Mr. DURBIN. Mr. President, I thank the Senator from Massachusetts, as well as the Senators from Hawaii and Mexico, for joining in our message.

My fear is, in the closing weeks of this session, if the Members of the Senate were accused of having passed legislation this year to help the families of America, we could not gather enough evidence to prove the charge. We are about to leave town in a few weeks emptyhanded, having done little or nothing on education, little or nothing on minimum wage, little or nothing on health care. Frankly, I think the American people sent us to this body to do things to make life better for families across America. The Senator from Massachusetts speaks about minimum wage and education. There are so many other items on the agenda that should be addressed by a Congress listening to the American people.

I yield the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the time until 4:15 shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

The Senator from Wyoming is recognized.

LEGISLATIVE ACCOMPLISHMENTS

Mr. THOMAS. Mr. President, I appreciate the opportunity to visit a little bit about the remaining weeks in this session. I have a little different view of what has happened from that of my friends who are just leaving the floor, who suggest nothing has been done. They did not mention Ed-Flex, one of the most important education bills that has been passed in this Congress, which allows families and school boards and States to have more say in education. They didn't talk about the tax bill which provides an opportunity for families to invest and save their

money so it can be used for education. They did not talk about standards and accountability, the fact we are going to take up these bills, the elementary school and secondary education bill, or Social Security, where we have done something about the proposal there, or the Taxpayer Bill of Rights.

It is interesting; when they talk about some of the things they would like to see happen, they somehow forget about the things we have done. I guess that indicates we do have a different view. It is proper. It is perfectly legitimate to have a different view about how we accomplish the things we are about.

Mr. President, I yield to the Senator from Oklahoma such time as he may consume.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I thank the Senator from Wyoming for yielding.

THE IMPORTANCE OF VIEQUES

Mr. INHOFE. Mr. President, I do want to talk about some of the tax ramifications, today's subject. I think it is very significant.

Prior to doing that, though, we have an issue that is current, rather sensitive, and is rather serious in terms of our Nation's security.

Tomorrow, the committee I chair, the Readiness Subcommittee of the Senate Armed Services Committee, will be holding a hearing to review the national security requirement for continued training operations of the naval facility off the island of Puerto Rico called Vieques. It is a very important issue, military readiness, with the lives of military personnel on one side of the debate and the interests of the local community on the other.

At this point, I remind the President that for 57 years we have used this island of Vieques, an island that is approximately 20 or 25 miles wide, one small area way over on the east end of this island as a range, a bombing range—57 years. During that time, we have lost the lives of one person, who was a civilian employee working for the Navy. This happened last April and created quite a bit of hysteria. There are many people trying to use this as an excuse to close down the range that is so vital to our interests.

We have seen all the press reports outlining the concerns of those who oppose the military's use of the island. We have also witnessed the introduction of legislation to close this range. Unfortunately, far less attention has been given to the national security requirement for continued access to the training provided by this range. In fact, I have not heard anyone address the increased risk to our Nation's youth who serve in uniform and what they will face if we send them into combat without the benefit of the training that is offered only at Vieques Island. The subcommittee will be meeting tomorrow to explore the requirements of this language.

It is my hope that once the panel, appointed by the Secretary of Defense to review this matter and make recommendations for appropriate resolution, issues its report, the committee will be able to then meet to review those recommendations and hear from the people of Puerto Rico as well as the military.

The Secretary of the Navy recently released a report, prepared by two of its senior officers, which examines our training activities on Vieques and explores potential alternative training sites. Although no alternative site has yet been identified that would replace the training Vieques provides, I understand the panel appointed by the Secretary of Defense and by the President continues to seek a resolution to this issue.

I will read a couple paragraphs out of the Navy report prepared by those individuals. I think it is very significant:

> The Inner Range at Vieques is the only range along the Atlantic seaboard that can accommodate naval gunfire, the only range at which strike aircraft are afforded the use of air-to-ground live ordnance with tactically realistic and challenging targets and airspace which allows the use of high altitude flight profiles.

This is very similar to what we witnessed in Kosovo, and they were very successful. Even though to begin with we should not have been involved, it was necessary to use high-altitude bombing to be out of the range of surface-to-air missiles. We did that successfully, and they received their training at Vieques. I do not know what the degree of success would have been otherwise.

Continuing from the report:

> It is the only range at which live naval surface, aviation and artillery ordnance can be delivered in coordination. Additionally, Vieques is the only training venue that can accommodate amphibious landings supported by naval surface fires. . . .

It continues and talks about how this is the only facility we have, and if we do not have this facility, we are going to be deploying troops into areas without proper training. One of the conclusions of the report is:

> This study has reaffirmed that the Vieques Inner Range provides unique training opportunities vital to military readiness, and contributes significantly to the ability of naval expeditionary forces to obtain strategic objectives. This study examined alternative plausible sites and concluded that none, either in existence or yet undeveloped, would provide the range of training opportunities at Vieques Inner Range.

The U.S.S. *Eisenhower* is going to be deployed in February to the Arabian Gulf and to the Mediterranean to do just this type of exercise and will be called upon to do something to defend this country when they will not have had the proper training from Vieques because right now there is a moratorium and the U.S.S. *Eisenhower* has not had the opportunity to have that training.

Any resolution must provide the military with the ability to achieve the same level of proficiency that the training operations at Vieques currently provide. Any proposal to move operations to a phantom or an unidentified site as of yet is unacceptable. Before any decision is made to move operations from Vieques, a specific alternative site must be identified and all actions necessary to make it functional, from environmental studies to military construction, must be completed. Failure to identify a specific site and make it available will simply prove the validity of the Navy's position that no viable alternative exists. Therefore, any decision to continue the use of Vieques, but at a reduced level of operations, must still allow the military to perform the training necessary to meet the required wartime proficiency.

I fear that a decision is going to be made based on politics rather than national security. I am concerned that this administration may take action that will place at risk the lives of sailors and marines simply to court the popular vote in favor of candidates with close ties to this President.

One only has to look back at the recent decision to release terrorists from prison to fully appreciate the extent to which this President is willing to place American lives and interests at risk in order to garner votes for his friends and family. The inappropriate politicization of the issue has already been demonstrated by the Justice Department and the U.S. attorney's office in Puerto Rico which have refused take necessary action to protect the lives of American citizens.

As many of my colleagues already know, as we speak today, there are protesters over there, some four groups of protesters, who are on the live range with live ordnances. I had occasion to spend a good bit of the recess looking at this. I have been over every inch of the island either by helicopter or by car or on foot. I have seen the protesters out there throwing around live ordnances. Just imagine, in 57 years, how much is out there. One particular individual came out carrying a live ordnance and tried to get on a commercial aircraft, which would have killed everybody on the aircraft.

It is a very serious thing, and I cannot believe our Justice Department has refused to enforce the laws of trespassing on Federal military Government property. I hope these explosives do not fall into the hands of some of the terrorists the President recently released from prison.

One thing about this issue is certain. The primary mission of Roosevelt Roads is to support training operations at Vieques. If military access to Vieques is eliminated, the value of Roosevelt Roads will be greatly reduced, and those functions, other than supporting this range, can be performed very well in other areas where there is excess capacity.

The U.S. military cannot afford to fund a base that provides little or no benefit to national security. Therefore, today I have introduced S. 1602, legislation which will close naval station Roosevelt Roads at such time as the military terminates military operations at Vieques, if that should become a reality.

I have seen this. I have become convinced. Our hearing tomorrow will either disprove or prove what I am saying today—that it is absolutely necessary to have the benefits of this range and that there is no place else we have in our arsenal, no other range, that provides the type of training that will save American lives. If we send in our troops, as we are preparing to do right now on the U.S.S. *Eisenhower,* and they get involved in some kind of a problem and do not have the benefit of the training at Vieques as those who participated in Kosovo, it could certainly cost American lives, and we will be sending our troops at far greater risk, which I weigh and measure in terms of human life.

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

Mr. INHOFE. I am happy to yield to the distinguished chairman of the Armed Services Committee.

Mr. WARNER. Mr. President, I thank my colleague, the chairman of the subcommittee of jurisdiction over this issue, for spending the time on a careful analysis of this very important problem. We will have the hearing tomorrow. We consulted on this, and I am hopeful that he will consider a follow-on hearing, because as I look over tomorrow's agenda, given the time we have, it is my view that we will need a subsequent hearing on this.

Mr. INHOFE. Let me respond to the chairman. In the subcommittee, we are only going to address what alternatives there are, why it is critical. There are far more things to consider. It is my hope the full committee that my colleague chairs will hold a hearing.

Mr. WARNER. Mr. President, I agree that we will look at the policy issues involved. At the moment, we need to have a record before the Senate on the absolutely vital nature of this range to the very safety of individual service persons, primarily those flying aircraft, but in every respect those in the Marine Corps doing amphibious work.

Mr. President, we cannot send, as the Senator from Oklahoma said, these individuals into harm's way without adequate training. We are doing that with the next battle group, as you pointed out.

So I think we should advise the Senate of the hearing tomorrow, the importance of that, the subsequent hearing, maybe at the subcommittee level, depending on further readiness aspects, and then the full committee on a policy issue.

Mr. INHOFE. I agree with the Senator.

Mr. WARNER. I thank the Senator.

I had the opportunity last night to be with the President—Senator DOMENICI and I—with regard to the debate that we will have tonight on the conference report of the authorization bills of the Senate and the House, and I brought this subject up.

I ask unanimous consent that at the conclusion of the colloquy with the Senator from Oklahoma my letter to the President, which I discussed with him last night on the VA issue, be printed in the RECORD.

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

(See Exhibit 1.)

Mr. WARNER. I am sure you mentioned that across the board the uniformed side of the Department of Defense stands foursquare with the comments that you have made today. I have had consultations, as you have had, with the Chief of Naval Operations, the Commandant of the Marine Corps, General Shelton, the Chairman, and others, on this issue.

This is an issue that I have had considerable familiarity with for many years—when I was the Under Secretary and Secretary of the Navy in 1968, 1969, 1970, 1971, and 1972. We had recurring problems of this nature down at Vieques. We constantly worked with the political structure at that time to resolve the problems.

But I think you are absolutely correct. At the moment, we have to regain control of this range for training purposes. I hope the commission—the several officers looking at this—will come forward with a program that will indicate to the Puerto Ricans we want not to be offensive to the people of Puerto Rico but to indicate the need for this area and, hopefully, to have some program by which we can meet the desires of all parties to work it out in some way.

At this moment, I am not prepared to indicate what the workout should be. I want to study the report of this commission. The Senator from Oklahoma and I should have private consultation with the Secretary of Defense and others. But let's see what we can do to meet the requirements of all parties involved but focusing on the essential nature of this range to America's readiness of its Naval and Marine Corps forces and embarking periodically to trouble spots in the world from the East Coast.

I thank the Senator.

Mr. INHOFE. I thank the Senator from Virginia.

I would only say that it is not very often you get total agreement from all of the commanders in the field, all of the CINCs in the field, as well as all the chiefs. All four chiefs are on record right now saying this is absolutely necessary to have as part of our training.

One of the things I have been trying to do is to quantify in terms of American casualties when you go from low to high to very high risk—what that means. There is no question there is not one who will not say if we send our troops in there without this very valuable training that they can only get at the Vieques, it is going to be at a higher risk, which means American lives.

I certainly hope the people of Puerto Rico understand we are talking about their lives, too. So we should all be focused on the same thing.

Mr. WARNER. I presume you include in your remarks direct reference to the Navy and Marine Corps aviators who flew missions in Kosovo, who are flying tonight and tomorrow and for the indefinite future missions with regard to the containment of Iraq, in many instances in hostile fire. Tonight, tomorrow, and the next day——

Mr. INHOFE. Yes.

Mr. WARNER. For the indefinite future, we are asking them to endure this hostile fire. And from time to time they have to drop live ordnance to protect themselves in fulfillment of this containment mission over Iraq.

Mr. INHOFE. I did allude to that.

I suggest to the Senator from Virginia also the fact that the successes we had in Kosovo were directly related to the Vieques. The last place they got training before going into Kosovo was at the Vieques.

Mr. WARNER. I thank the Senator.

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

EXHIBIT NO. 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, September 20, 1999.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As Chairman of the Senate Armed Services Committee, I write to express my grave concern over the future of the United States Navy's training facility located on the Puerto Rican Island of Vieques. Ever since I was the Secretary of the Navy, I have worked to keep this facility available to the Department of Defense.

The last two east coast carrier battlegroups which deployed to the Adriatic and Arabian Gulf, completed final integrated live fire training at Vieques. Both battle groups, led by the carriers U.S.S. *Enterprise* and U.S.S. *Theodore Roosevelt,* saw combat in Operations Desert Fox (Iraq) and Allied Force (Kosovo) within days of arriving in theater. Their success, with no loss of American life, was largely attributable to the realistic and integrated live fire training completed at Vieques. This island is unique in character, both in terms of its geography, with deep open water and unrestricted airspace, and its training support infrastructure. The training range is absolutely vital to our readiness, and there is no replacement facility available.

Without a doubt, America enjoys the best trained, best equipped and most motivated military force in the world. But combat skills, practiced at Vieques, are perishable. Aviators must hone targeting and weapons delivery skills; ammunition leaders and flight deck personnel must coordinate weapons assembly and leading; naval surface fire support teams must integrate calls for fire support with ground units; gunfire spotters must refine targeting skills; and ground units must practice the seamless transfer of command ashore. The Armed Forces have learned these lessons well. Untrained forces are exposed to higher casualty rates and experience less mission success.

Mr. President, I urge you to take no action which limits or degrades our Armed Force's

ability to properly and thoroughly prepare for the challenges they face in today's world.

The Chairman of the Joint Chiefs of Staff, General Shelton, who testified before the Senate Armed Services Committee last week, confirmed the continuing requirement for live fire training operations at Vieques.

Due to the moratorium on training on Vieques, the next carrier battlegroup is deploying with reduced combat readiness in its airwing and naval surface fire support capability. I encourage you to now signal your support for all the men and women of our Armed Forces by allowing the critical live fire training at Vieques to continue.

With kind regards, I am,

Respectfully,

JOHN WARNER,
Chairman.

COMANDER IN CHIEF,
U.S. ATLANTIC COMMAND,
August 27, 1999.

Hon. WILLIAM S. COHEN,
Secretary of Defense, 1000 Defense Pentagon, Washington, DC.

DEAR MR. SECRETARY, I can appreciate the difficulty of adjudicating the competing desires of groups for the use of Vieques Island. It is important to me to be clear . . . Vieques training area is not just nice to have . . . it is part of the complex training regime that allows us to send our men and women into harms way with a clear conscience. As I mentioned to you in my July Quarterly Issues and Activities Report, the moratorium on this live fire training will have an impact on the readiness of military forces assigned to U.S. Atlantic Command and on the quality of the joint forces that I provide worldwide to the other CINCs.

Continued access to the Vieques training area, because of its geographic location and access to base support, provides us with a unique ability to conduct year-round integrated live fire training. The island is one of the few locations in the world where carrier battle groups can conduct high volume ordinance training, from ''magazine to target.'' It is the only East Coast facility that offers a live fire land target complex with unencumbered access to airspace and deep-water sea space. Shifting portions of this training to other locations would degrade the quality of training while increasing the OPTEMPO for our East Coast forces.

I firmly believe that we have a critical need for this live fire and combined arms training to fulfill my responsibility of providing trained and ready joint forces worldwide. Part of the equation in this complex case must be, I believe, a requirement to identify a suitable alternative before we restrict this realistic training in any way.

I support the effort to retain the Vieques training area and to continue this mission essential training. Combined and integrated live fire training on the island is a valid joint warfighting requirement. I am willing to assist in any way necessary to resolve this readiness issue.

Very respecfully,

H.W. GEHMAN, Jr.,
Admiral, U.S. Navy.

CENTRAL COMMAND,
OFFICE OF THE COMMANDER IN CHIEF,
Macdill Air Force Base, FL.

Gen. HENRY H. SHELTON, USA,
Chairman of the Joint Chiefs of Staff, 9999 Defense Pentagon, Washington, DC.

DEAR GENERAL SHELTON: As the issue of the Vieques Island Training Range continues to be debated, I wanted to offer the CENTCOM perspective. Live fire training at the Vieques Training Range is vital to the readiness of naval forces assigned to U.S. Central Command. As you know, the Vieques training range is the only Atlantic Fleet live-fire range where land, sea, and air forces can practice combat operations. Although the range closure potentially affects several warfighting areas, the most serious and immediate degradation would occur in our ability to conduct precision air to ground strike.

If the Vieques Training Range does not reopen soon, we can anticipate less effective air to ground weapons delivery accuracy in the early stages of our newly deploying battle groups. Vieques is the only U.S. range that can support the kind of high altitude TACCAIR ordnance delivery that we regularly employ in Operation Southern Watch. It is the only Atlantic Fleet range with airspace and facilities that can support full air to ground and Naval Surface Fire Support (NSFS) training from planning, to execution, to debrief. This training is an absolute necessity to prepare our ships, aircraft, and aircrews for ongoing operations (Southern Watch), short-notice contingencies or MTW operations.

Although we have not recently seen the use of naval gunfire in surface engagements or in support of forces ashore, it is a capability our ships do and should routinely exercise. NAVCENT will experience the first effects of not having this training when U.S.S. *John Hancock* in-chops on 18 October. The degradation of this ship is not significant in terms of present operations and can be partly mitigated by other means, however this shortcoming will continue to grow and will degrade our standard of readiness for combat operations.

It is imperative that Atlantic Fleet ships and Navy and Marine Corps aircraft have access to realistic training ranges in support of their NSFS and air to ground qualifications. Forces deployed to the CENTCOM AOR have faced the very real potential for combat operations everyday. These forces must be prepared to fight and win upon arrival in theater. The Commander, Marine Corps Forces, Atlantic, and Commander, Second Fleet have always provided me, and other Unified Commanders, with battle ready forces essential to the successful execution of our mission. Short of development of a fully functional alternative range or training process, we must reopen Vieques and allow our forces to receive this critical training prior to facing real world operations and contingencies in our theater.

Respecfully,

A.C. ZINNI,
General, U.S. Marine Corps.

Gen. HENRY H. SHELTON,
Chairman of the Joint Chiefs of Staff, Pentagon, Washington, DC.

AUGUST 23, 1999.

DEAR GENERAL SHELTON, I have followed with interest and concern recent events in Vieques and Puerto Rico and their potential impacts on Southern Command and fleet readiness. This controversy has come at a crucial time for SOUTHCOM as our components depart Panama and activate their new Headquarters on Puerto Rico. Fortunately, up to this point unit relocations and Vieques ranges have been treated as separate issues on the island and by the press here in Miami which has considerable influence in San Juan.

By virtue of past assignments, I am familiar with the importance of Vieques to Fleet and Fleet Marine Force readiness. Working through contacts on Puerto Rico, I have tried to assist the Navy by creating increased awareness of the unique and vitally important nature of the training that is conducted on Vieques. While doing so, I have emphasized the creative steps the Navy has taken or is considering to ensure the health and safety of Vieques residents and to promote the economic development of the island. Unfortunately, I have yet to receive an encouraging response from even our most consistent and energetic supporters. I have also followed closely efforts to identify alternative training sites to Vieques Island. Thus far, no suitable alternative has surfaced.

Though Southern Command has a minimal stake in the training that is conducted on Vieques, I am compelled to voice my support for the Navy/Marine Corps cause. I have followed closely efforts to identify alternative training sites to Vieques Island. Due to a variety of hydrographic, geographic and other considerations these efforts have not yet borne fruit.

Whether the solution is Vieques or some other site in the SOUTHCOM AOR, I am prepared to assist in any way that I can as we strive to ensure that our forward-deployed forces maintain their combat edge.

Very respectfully,

C.E. WILHELM,
General, U.S.M.C., Commander in Chief, U.S. Southern Command.

COMMANDER IN CHIEF,
U.S. EUROPEAN COMMAND,
August 16, 1999.

Gen. HENRY H. SHELTON.
Chairman of the Joint Chiefs of Staff, Pentagon, Washington, DC.

DEAR GENERAL SHELTON: Wanted to take this opportunity to address an issue of importance to the readiness on naval forces assigned to the European command—live fire training at Vieques Island, Puerto Rico.

Concerned that with the current moratorium on training at Vieques, the naval forces that will be assigned to EUCOM in the future may not be fully combat ready to perform their assigned missions. As you know, during the recent conflict in the Balkans the U.S.S. *Theodore Roosevelt* battlegroup arrived on station, and within hours of arrival was conducting sustained combat operations. The level of precision and low collateral damage achieved by naval forces during the Kosovo conflict was possible primarily due to the realistic live fire strike warfare training the carrier battlegroup completed at Vieques just before their deployment.

Similarly, the 26th MEU assigned to the U.S.S. *Kearsarge* Amphibiouis Ready Group also performed flawlessly during the Kosovo conflict. Although Marines were not committed ashore in an opposed battlefield environment, our Marines were fully prepared to conduct force entry operations if the situation would have required an amphibious capability under combat conditions. Clearly, the coordinated and integrated operational training that they received in a live fire environment at Vieques was instrumental in preparing our Marines for Kosovo and the combat conditions they encountered as they entered Yugoslavia. Remain deeply appreciative of the efforts of Commander, Second Fleet and Commander, Marine Forces Atlantic to provide me, and the other Unified Commanders with the most battle ready force possible, one that is combat ready and can win on the sea, in the air, and on the ground.

Firmly believe that there is an enduring need for live fire training. We fight like we train, and a great measure of the success our forces achieved in Kosovo can be directly attributed to the realistic training environments in which they prepared for combat. The live fire training that our forces were exposed to at training ranges such as Vieques helped ensure the forces assigned to this theater were ''ready on arrival'' and prepared to fight, win, and survive. To provide our Soldiers, Sailors, Marines, and Airmen with less than this optimum training in the future would be unconscionable, cause undue

casualties, and place our nation's vital interests at risk.

Realistic training under live fire conditions is a necessity to ensure our men and women are afforded every possible advantage over their potential adversaries.

Sincerely,

WESLEY K. CLARK,
General, USA.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Has the Senator from Virginia concluded his comments?

Mr. WARNER. Correct.

Mr. THOMAS. I yield to the Senator from New Hampshire as much time as he needs.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I thank the Senator from Wyoming for his courtesy in yielding to me.

OUR DOMESTIC TERRORISM POLICY

Mr. GREGG. I rise today to talk about the recent clemency decision, pardon decision by the President, relative to 16 Puerto Rican terrorists. This occurred on September 10.

There has been a lot of discussion in the newspapers and amongst people generally as to the reasons for this, as to the background of why this occurred, and as to the political implications within the election cycle as to what were the real causes. But that is not what I want to talk about.

What I want to talk about is the effect of this action by the President on our domestic terrorism policy and our preparedness to deal with domestic terrorism. The committee that I chair, the Commerce-State-Justice Committee, has spent a great deal of time trying to build an infrastructure to address the threat of terrorism.

Regrettably, we know as a nation that some time in the coming years we will be subjected to another terrorist attack. That is the nature of the times that we live in. Regrettably, it is even possible that such an attack may be a chemical or biological attack or an even more threatening attack.

We have attempted over the last 3 years to develop a coherent, thoughtful strategy for how to get ready for, to anticipate, and to hopefully interdict an attack and, should an attack occur, to respond to such a terrorist event. We have set up a system of developing a policy of addressing the issue of terrorism as a result of that.

The decision by the President to free these terrorists who were jailed for terrorist activity has fundamentally undermined this effort at reforming and preparing for the terrorist threat in the United States.

Stated simply, the question has to be: How can you claim you are being tough on terrorism if you free terrorists from your jails?

Today, we held a hearing in my committee, in the committee that I chair. We heard from the director at the FBI, Neil Gallagher, the director of the bureau dealing with terrorism. He is their expert on it. And we heard from Patrick Fitzgerald, the head of the terrorism bureau in the U.S. attorney's office in the city of New York. These two individuals talked about the policy implications and the effect of the decision by this President to free these terrorists.

I want to review a little bit of what the testimony was because it was startling and it was serious, and it shows that the implications of this decision by the President could have a very broad-reaching impact on the lives of Americans.

First off, we discussed the issue of what type of terrorist act these folks participated in relative to the decision for clemency. The decision for clemency has been represented in the press by the White House public spokespersons as having been made because these people were not actually involved in a violent act or, if they were involved in a violent act, they were not charged with participating in a violent act; therefore, they really were not that bad is essentially the defense that the administration makes for giving clemency to these 16 terrorists.

First off, it should be pointed out the FBI agent recited that these individuals participated in activities which led to the death of five different individuals as a result of bombings and terrorist attacks, which also led to the injury of 83 individuals, many of them U.S. service people who were directly attacked by the organization, the FALN, that also represented millions of dollars of property damage and spanned a period of approximately 10 years of violent action against the United States, citizens of the United States, and military and police personnel of the United States, leading to the death and the maiming of American citizens by the actions which were participated in by these 16 individuals. Yes, they were charged and convicted, in most instances, of something less than actually pulling the trigger—no question about that.

So I asked the U.S. attorney from New York, what was Sheik Abdul-Rahman, who was the orchestrater of the World Trade Center bombing, charged with? Was he present at the scene? Did he pull the trigger? Did he light the fuse that blew up the World Trade Center?

Of course, the U.S. attorney said, no, he was not there. He is blind. He was charged with seditious conspiracy—the same thing that the Puerto Rican terrorists from the FALN were charged with.

Then I asked him: What was Terry Nichols charged with, who was not at the scene of the explosion in Oklahoma City where so many Americans were killed but, rather, who aided the individual who undertook that specific act? And he said he was charged with seditious conspiracy.

Then I asked, if we bring to trial Osama bin Laden—and an indictment has been brought back against Osama bin Laden—who perpetrated the attacks on the American embassies in Kenya and Dar es Salaam—and that indictment is not for lighting the fuse or being at the scene of the crime but for conspiracy to participate in the crime—all of these major terrorists who have caused huge harm to American citizens and to the American institution of Government, to our free democratic form of government were not on the scene of the crime any more than were the Puerto Rican terrorists, at least as they were charged and convicted. Rather, they were all, with the exception of Bin Laden because he wasn't American, he wasn't on American soil. But the tenor of the charges being, they were all essentially charged with seditious conspiracy—all 16, I believe, FALN members, the sheik, Mr. Nichols, and Bin Laden.

So if the logic of the White House is—the logic of the President is—well, these aren't such bad people because they weren't convicted of actually killing the police officers, of actually maiming the police officers, of actually undertaking the heist of the armored cars, of actually attacking the U.S. Navy personnel and killing them, of actually killing the individual, Mr. Connor, in Chicago, of actually maiming the 83 other people who had been injured by these folks, because they weren't actually charged and convicted of that, and therefore they should be given clemency because their charge is a lesser charge, then the White House and the President are going to have to explain why the White House, why the President, is not giving clemency to Sheik Abdul-Rahman, Terry Nichols, and why they are even going forward with the prosecution of Bin Laden.

The defense of the White House on that point simply does not stand. These people participated in acts of terrorism, orchestrated acts of terrorism, and should not be let out early as a result of having not been convicted of actually being physically on the site of the terrorist event any more than we should let out Sheik Abdul-Rahman, Terry Nichols, or Bin Laden should we be successful in prosecuting and convicting him.

That was the first point. But it flows into the second point, which is, What is the effect of these clemencies on our ability as a nation to defend ourselves against other terrorist acts?

The U.S. attorney from New York made a lot of excellent points. He said they are going to keep working hard, they are going to keep trying to prosecute, and they will aggressively prosecute to the fullest extent of their ability any terrorist they can charge and convict. And I congratulate them for that. But he also made the point, he said, you know, their decision could be misconstrued in foreign capitals around the world, and this decision for clemency could have an impact on how

trials are undertaken of terrorists in our country.

So I followed that up. I asked Agent Gallagher: What impact will this have on our ability to deal with foreign countries?

A great deal of our capacity to be successful in terrorism interdiction requires that our FBI agents overseas—and we have been expanding our FBI presence overseas, and our CIA and our State activities overseas—have the confidence of the countries they are dealing with—the police officers in those states, the law enforcement agencies in those states—that when they are given information which may lead to them having the capacity to act against a terrorist group by bringing them to trial and maybe extraditing them to the United States, that foreign official or country has the confidence that our legal system and our political system is going to handle this terrorist aggressively and they aren't going to let that person out so that someday they may come back to that country and take retribution for having had that country assist us in capturing them.

This is a huge issue for our law enforcement agencies because without that sort of confidence, they can't get the cooperation they need in order to get the intelligence they need in order to capture these people before they act against us, against our country.

The U.S. attorney, supported essentially by Agent Gallagher of the FBI, said essentially many countries may misread this decision on clemency—a generous way to say it. What they were really saying was: Yes, this has now created a problem for us; when our agents go overseas to try to interdict terrorists, we are going to have to deal with that foreign government, with that foreign official saying to us: Why should we cooperate with you? Your President frees terrorists for political reasons. Why should we cooperate with you and put our political system at risk by maybe having that terrorist return to our streets as a result of your President's clemency action?

Then the U.S. attorney made another point: In the trial of terrorists, I do expect that the defense attorneys will use this decision on clemency in their defense of their clients, which is only reasonable. If you were a trial attorney and you were representing Sheik Omar Abdul-Rahman, or you were representing Terry Nichols, or you were about to try the Bin Laden case, you would say they were charged with the same crime for which the President just released 16 people. So why should my client have to go to jail when the President just let 16 of these people out for the same crime, seditious conspiracy?

Although it may not be definitive, it will certainly have an impact on the trial activity. And this point was made rather bluntly.

Another question that comes to mind is: When the decision was made to proceed with clemency, since these folks had not been convicted of actually pulling the trigger which killed the 5 individuals involved here, or maimed the 83 others, or caused the robbery of the armored car, or did the other millions of dollars' worth of damage to places such as the Fraunces Tavern that they blew up—I think there were 70 different incidents of bombings—before these people were released, did the White House have the courtesy to come to the FBI or any other law enforcement agency and say: Hey, we are going to give these folks clemency, but why don't you go talk to them and find out what really happened and who really is responsible. And if there is anybody out there on the street we should be picking up and arresting for the actual event, is there anybody we missed? Is there any intelligence we could gain?

This is very typical. This is not an unusual situation. Before you release someone on parole, you expect that person to be cooperative. There is usually a quid pro quo in a parole situation. Since clemency is a much broader event of freedom than parole, you don't answer to anyone in any instance of clemency. I am not sure what the rules were which were set down on this, but I suspect there is very little oversight, considering how the White House handled these individuals. Shouldn't they have at least afforded the FBI and the other law enforcement agencies the opportunity to talk to these individuals before they freed them, so the FBI would have the opportunity to find out the intelligence necessary to go after some of the other people who were bad actors?

For example, there is a fellow named Morales—I think that is his name—who escaped from jail, who was part of their group and showed up at the rally, supposedly, in Puerto Rico to celebrate their return and in between went to Mexico and allegedly killed someone in Mexico. One wonders, if the FBI had been given an opportunity to try to track this fellow down through some information from these folks, whether that wouldn't have been helpful to the cause of law enforcement.

Much more information could also have been obtained by the FBI if they had a chance to talk to these people maybe a little bit before the clemency occurred, which one would think is just good elementary law enforcement.

Although the FBI did not specifically answer this question because they felt it was a matter of executive privilege, communications with the White House specifically stated that they had not interviewed these felons, these terrorists; since the time of their incarceration, the terrorists had not agreed to talk to them and they had therefore not been able to talk to them.

So one assumes that the opportunity was not afforded by this White House to talk to these people and try to find out a little bit more about what was going on—a little information that might help save a few American lives down the road when we get another terrorist from this group, or their ancillary groups. In fact, it is discouraging.

Another point that Agent Gallagher made was that on September 13, 3 days after clemency was ordered for these people, the FBI received a communication from another activist-independence group in Puerto Rico that an individual, whose name I have forgotten, unfortunately, said essentially that they were going to turn to armed activity to make their point relative to the military base—I think earlier being discussed here—on an island off Puerto Rico unless they got their way.

So within 3 days of clemency, you actually have the threat of further terrorist action occurring by a sister or brother organization of the FALN. The threat was directed not only against the military but against the FBI.

The President was able to buy 3 days of peace with this clemency decision and at the same time turn 16 people loose who had participated in the most heinous crimes against American citizens.

I asked what the standard of pardon petitions was in making this decision. Unfortunately, these folks do not specialize in this. They wouldn't know the answer to that question. But I want to read into the RECORD that Presidential pardons are subject to a certain standard. There is a set standard for them.

Under section 1–2.112 of the Standards for Considering Pardon Petitions, there is a sentence that says:

> In the case of a prominent individual or a notorious crime, the likely effect of the pardon on law enforcement interests or upon the general public should be taken into account.

I asked these folks if they felt it was taking into account the effect on law enforcement interests to not advise law enforcement or not give the law enforcement community the ability to interview these individuals. Obviously, it wasn't. Obviously, that standard of pardon was clearly not met—probably wasn't even considered. It didn't have anything to do with politics.

But the most devastating statement made this morning—and I know it took courage to say this because there probably will be some reaction to it, but I think it was a very appropriate thing for Agent Gallagher to say because it is his job to protect us. And when he sees the American people at risk, or when the FBI sees the American people at risk, I think they have to speak up, even if it may affront the sensibilities of the President and the White House.

His summation of the present status of the FALN was: ''As of today, they represent a threat to the United States.'' ''Today they represent a threat to the United States.''

And more importantly, or equally important, the action of this President in granting pardons to these 16 terrorists has impacted our policy on terrorism and fighting terrorism dramatically. It has literally shredded that policy.

We find ourselves now with a terrorism policy which has two standards: Once you are convicted of seditious conspiracy, which is the key offense in terrorism, you may be freed if you have political friends; you will stay in jail if you don't have political friends. If you are a terrorist, go out and find some political friends. It means foreign countries will no longer have the confidence to deal with our law enforcement agencies in releasing information or even physically releasing terrorists to our control for prosecution because they will believe that person could potentially be returned to their shores.

It means trials of terrorists will now be tainted—when the charge of seditious conspiracy is included—by a clemency for 16 people who committed violent acts against the United States and were charged with seditious conspiracy.

It has undermined the morale of those who work on our front lines to protect us from terrorism. And all for what purpose? I see none that can justify this action. I think we should condemn it. I hope we, as a nation, do not have to pay a dear price because of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

APPROPRIATIONS AND OVERSIGHT

Mr. THOMAS. Mr. President, I thank the Senator from New Hampshire for sharing the results of the hearing he had this morning. It is one of the real serious issues before the Senate, as is the case with the Senator from Oklahoma when he talks about the military problems in Puerto Rico. We have a lot of things with which to deal.

Most importantly, of course, is finishing our appropriations work. The end of the fiscal year occurs within 2 weeks. We will have at that time all the appropriations bills to the President. We intend to do that. It is difficult, of course, to go through the appropriations process and stay within those boundaries we have given ourselves, to stay within the boundaries of the caps, to stay within the boundaries of available funds and, maybe most important, to stay within spending limits without reaching into Social Security funds, which I think everyone is committed not to do.

There is a great difference of philosophy about how we do this. It seems to me we need to continue to think. There are those who legitimately want to see more government, more Federal Government, more involvement, more programs, and others who believe there ought to be a limited Federal Government—that, indeed, the role of the Federal Government is limited.

I had the opportunity yesterday to celebrate with four junior highs in my hometown of Casper, WY, the 212th anniversary of the signing of the Constitution. These were 9th graders. It was great fun. Some of them had on Uncle Sam suits in red, white, and blue. They all signed their own copy of the Constitution. One of the issues talked about by these 9th graders was the 10th amendment. The 10th amendment says the Federal Government's duties are spelled out in the Constitution. If they are not, they are left to the States or the people. It was interesting to talk about that. These young people who read that say: What are some of the things that our Government is doing? Of course, there is a legitimate debate about that.

Each year, as we come into the appropriations process, it seems to me we miss an opportunity to have evaluated where we want to go, what we legitimately want to do, and then fund it. Unfortunately, we get into the funding proposition before we have decided what it is we want to do; maybe more importantly, before we have had the opportunity to measure the effectiveness of what is in place.

That is one of the reasons many Members are seeking to have a biennial budget—so that the appropriations process only takes place every other year. In that case, agencies have a longer time to know what their budget is.

The key is that the Congress has oversight responsibility. Indeed, it should be looking at the expenditures; it should be looking at programs and setting priorities; it should be decided how effective they are and what the expenditures have been.

We had a little example this morning. About a year ago, three Members asked the GAO to do an examination of the cost of Presidential travel. They came in with their primary report yesterday. Even though there are a great many trips to be made, this President has made more trips than any other President in recent history. We asked that three trips be examined—a trip to Chile, a trip to China, and a trip to Africa—to see what it cost taxpayers.

The trip to Chile. Chile is not too far. There were a couple of stops. It cost $10.5 million; 592 people traveled with the President, 109 from the White House. That was the least expensive trip.

The trip to China last year was almost $19 million; 510 people traveled, 123 from the White House.

These are the type of things at which we need to look. I think it is perfectly legitimate for the President to travel. Is it legitimate to have these costs?

Africa. There was contact with six countries. It cost nearly $43 million to visit Africa. Mr. President, 1,300 people traveled with the President, 205 from the White House.

These are the kind of expenses we should evaluate. These are the things at which we ought to look. These are the areas we ought to say: Yes, there ought to be trips, but $43 million for a trip to Africa is a bit expensive and a little extensive.

That is what the oversight is all about. I think we need to be sure we evaluate those things. We need to see if programs now in place, programs that are now being funded, are still as necessary as they were when they began, or do they need to be changed. There is a constituency that builds up around programs. Any change is resisted. That is not how to run any other business. We have to take a look to see if it is still effective, see what the mission is, see if that mission is being carried out, see if the dollars could be spent more efficiently somewhere else. That is what the budget process is about.

Now we are faced with having put together a budget some time back, about 3 or 4 years ago, and finding ourselves being pushed hard to break through the budget caps put in place at that time, largely through emergency spending. It is legitimate when we have emergencies such as we have had this year with weather.

We are committed not to go into Social Security money. The President has been saying for 4 years: Save Social Security. But he doesn't have a plan. We have a plan to save Social Security. We are going to do our work towards implementing that plan so the dollars that come in have a place to go so they, indeed, are kept for Social Security.

I think the key is the idea of individual accounts, which is what we propose to do. People under a certain age would have an individual account crediting a portion of the money they paid into Social Security. It would be their account, their money, invested in the private sector to return a much higher yield, to ensure that benefits are available. In that way, the money would not be spent for other things, as has been in the past.

It also deals with the fact that such changes have taken place. I mentioned we have to look at programs from time to time. When Social Security began, I think there were 150 people working for every beneficiary. It came down to 30. Now there are about three workers for every beneficiary and headed towards two. The choices in that program have become simple: We have to raise taxes, and most people don't want to do that; reduce benefits, and most people don't want to do that; or we can increase the return on revenue, increase the return on the money that is in the account—in this case, your individual account.

These are the kinds of things that seem to me to be part of the appropriations process, part of the budgeting process. That is what we are facing. It will be difficult to complete that task, but we are dedicated to doing it.

As I indicated, there is a legitimate difference of philosophy. I understand that. We see some of it every day. There are those who believe more spending, more government is better. There are those who believe in the 10th amendment, that more government ought to be closer to the people; that States and communities, and in the case of schools, school districts, have

the best opportunity to make the decisions that affect their children. I believe in that strongly. I think most on this side of the aisle do.

There was a long discussion about education today. Education is important to all Members. I think also there was an interesting set of polling done which indicated that for the most part, people do want to make the decisions at the local level, to make the decisions where the kids are, to make the decisions where the families are.

There is quite a difference between what needs to be done in Jugwater, WY, or Philadelphia. So the one-size-fits-all kind of program does not fit. We want to have the flexibility to make the changes that are necessary to do that.

Unfortunately, our bills will go to the President. The President has, of course, vowed to veto the tax relief bill that we have sent. I do not believe there will be much opportunity to negotiate the basis for that. That is too bad. As we project, there will be excesses. We think they ought to go back to the taxpayers. In fact, the President wants to spend more money, indeed, increase some taxes—for instance, 55 cents on cigarettes that would be there to offset more spending.

So these are the kinds of things with which we must deal. We must do that soon. I believe we are headed in the right direction to have the budget that does reflect our needs, that does deal with patients' health care. We passed a bill. We will do that and we will move forward and complete our work by the end of September.

Mr. President, I think we have taken nearly all of our time. I yield the remainder of our time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GREGG). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

BANKRUPTCY REFORM ACT OF 1999

The PRESIDING OFFICER. The time between now and 5:30 is equally divided between the Senator from Utah and the Senator from New Jersey.

Mr. HATCH. Mr. President, this bill is a bipartisan bill, drafted jointly by Senators GRASSLEY and TORRICELLI. This legislation has been developed in a fair and inclusive manner.

The reforms proposed in this bill have been carefully studied and have been deliberated upon at length. Indeed, Congress has been engaged in the consideration of this issue now for several years. The National Bankruptcy Review Commission spent two years comprehensively examining the bankruptcy system. The findings and opinions of the Commission, which were reported to Congress, have proved helpful in identifying the problems in the bankruptcy system and in finding appropriate solutions.

Furthermore, the Subcommittee on Administrative Oversight and the Courts, which is chaired by Senator GRASSLEY, has held numerous hearings on the issue of bankruptcy reform. The subcommittee heard extensive testimony on the subject from dozens of witnesses. Again, I would like to thank Senators GRASSLEY and TORRICELLI for their leadership in this important consumer bankruptcy reform, and also last session's ranking member of the Administrative Oversight and the Courts Subcommittee, Senator DURBIN, along with other members of the Senate, for their hard work on this issue.

Throughout the process of consideration of this bill, at both the subcommittee and full committee level, changes suggested by the minority were included in the bill. During this entire process, I have expressed my willingness to work to address any remaining concerns the minority has about the bill. It is apparent, however, that efforts are underway to defeat this important legislation by attaching irrelevant, extraneous ''political agenda'' items to it, such as minimum wage, guns, abortion and tobacco, to name a few.

I am open to full debate on relevant issues. Nevertheless, some of my friends on the other side of the aisle continue to tie up consideration of this bill for what appears to be political points.

Despite the efforts of those in opposition, I remain hopeful and optimistic that we will be able to pass legislation this year that provides meaningful and much-needed reform to the bankruptcy system.

The House of Representatives passed a much more stringent bankruptcy reform bill by an overwhelming bipartisan majority earlier this spring. The time has come for us to rise above politics and to do what is right for the American people. It is time for meaningful and fair bankruptcy reform.

I urge my colleagues to vote for cloture so we may consider the substance of this important legislation and make our bankruptcy system better for all Americans.

The Bankruptcy Reform Act of 1999 closes many of the loopholes in our bankruptcy system that allow unscrupulous individuals to use bankruptcy as a financial planning tool rather than as a last resort.

Despite the White House's statement of opposition to the House's bankruptcy reform bill, H.R. 833, the House of Representatives realized that the time has come to restore personal responsibility to our nation's bankruptcy system. House Democrats and Republicans alike recognized that if we do not take the opportunity to reform our broken system, every family in my own State of Utah and throughout the country, many of whom struggle to make ends meet, will continue to bear the financial burden of those who take advantage of the system. As a result, the House bill passed by an overwhelming margin of 313 to 108. Half of the House Democratic Caucus joined with every House Republican to support the bill. And notably, the House bankruptcy reform bill is more stringent in its reforms than the Senate bill before us today.

More than three decades ago, the late Albert Gore, Sr., then a Senator, commented on the moral consequences of a lax bankruptcy system. He said:

> I realize that we cannot legislate morals, but we, as responsible legislators, must bear the responsibility of writing laws which discourage immorality and encourage morality; which encourage honesty and discourage deadbeating; which make the path of the social malingerer and shirker sufficiently unpleasant to persuade him at least to investigate the way of the honest man. (Cong. Rec. 905, January 19, 1965.)

I too believe that the complete forgiveness of debt should be reserved for those who truly cannot repay their debts. S. 625 provides us with the opportunity to prevent people who can repay their debts from ''gaming the system'' by using loopholes that are presently in place.

Mr. President, S. 625 provides a needs-based means test approach to bankruptcy, under which debtors who can repay some of their debts are required to do so. It contains new measures to protect against fraud in bankruptcy, such as a requirement that debtors supply income tax returns and pay stubs, audits of bankruptcy cases, and limits on repeat bankruptcy filings. It eliminates a number of loopholes, such as the one that allows debtors to transfer their interest in real property to others who then file for bankruptcy relief and invoke the automatic stay. And, the bill puts some controls on the ability of debtors to get large cash advances on their credit cards and to buy luxury goods on the eve of filing for bankruptcy.

At the same time, the Senate bill provides many unprecedented new consumer protections. It imposes penalties upon creditors who refuse to negotiate in good faith with debtors prior to declaring bankruptcy. Also, it imposes penalties on creditors who willfully fail to properly credit payments made by the debtor in a chapter 13 plan, and for creditors who threaten to file motions in order to coerce a reaffirmation without justification. Moreover, the bill imposes new measures to discourage abusive reaffirmation practices.

Mr. President, S. 625 addresses the problem of bankruptcy mills, firms that aggressively promote bankruptcy as a financial planning tool, and often end up hurting unwitting debtors by putting them in bankruptcy when it may not be in their best interest. The bill also imposes penalties on bankruptcy petition preparers who mislead debtors.

Importantly, the bill makes major strides in trying to break the cycle of indebtedness. It educates debtors with

regard to the alternatives available to them, sets up a financial management education pilot program for debtors, and requires credit counseling for debtors. I must commend Senator SESSIONS for his leadership on these important credit counseling provisions.

I am proud that the bill also makes extensive reform to the bankruptcy laws in order to protect our children. I have authored provisions of the bill to ensure that bankruptcy cannot be used by deadbeat dads to avoid paying child support and alimony obligation. Under my provisions, the obligation to pay child support and alimony is moved to a first priority status, as opposed to its current place at seventh in line, behind attorneys fees and other special interests. My measures also ensure the collection of child support and alimony payments by, among other things, exempting state child support collection authorities from the ''automatic stay'' that otherwise prevents collection of debts after a debtor files for bankruptcy, and by exempting from discharge virtually all obligations one ex-spouse owes another. A new amendment will make changes to a number of provisions in the bill to clarify that the provisions are not intended, directly or indirectly, to undermine the collection of child-support or alimony payments.

The bill includes a provision that I offered, which was accepted in the Judiciary Committee, which creates new legal protections for a large class of retirement savings in bankruptcy, a measure which is supported by groups ranging from the AARP, to the Small Business Council of America and the National Council on Teacher Retirement.

Rampant bankruptcy filings are a big problem. In 1998, 1.4 million Americans filed for bankruptcy. That was more Americans than graduated from college, were on active military duty, or worked in the post office. Indeed, more people filed for bankruptcy in 1998 than lived in the states of Alaska, Delaware, Hawaii, Idaho, Maine, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, or Wyoming.

Last year, about $45 billion in consumer debt was erased in personal bankruptcies. Let me give this number some context. Forty-five billion dollars is enough to fund the entire U.S. Department of Transportation for a year. Losses of this magnitude are passed on the American families at an estimated cost—if we use low estimates—of $400 to every household in America every year. That $400 could buy every American family of four: five weeks worth of groceries, 20 tanks of unleaded gasoline, 10 pairs of shoes for the average grade-school child, or more than a year's supply of disposable diapers.

Under current law, families who do not file for bankruptcy are unfairly having to subsidize those who do. Currently, our bankruptcy system is devoid of personal responsibility and is spiraling out of control. This is our opportunity to do something about it.

As noted scholars Todd Zewicky of George Mason Law School and James White of the University of Michigan Law School recently wrote:

> Current law requires a case-by-case investigation that turns on little more than the personal predilections of the judge. This chaotic system mocks the rule of law, and has resulted in unfairness and inequality for debtors and creditors alike. The arbitrary nature of the process has also undermined public confidence in the fairness and efficiency of the consumer bankruptcy system.

I am proud to be proposing several enhancements to the bill that primarily are designed to protect consumers and further provide incentives for consumers to take personal responsibility in dealing with debt management.

In the area of domestic support, as I indicated earlier, Senator TORRICELLI and I intend to build upon the new legal protections we created, as part of the underlying bill, for ex-spouses and children who are owed child support and alimony payments. The changes will further strengthen the ability of ex-spouses and children to collect the payments they are owed, and will make changes to a number of existing provisions in the bill to clarify that they will not directly or indirectly undermine the collection of child support or alimony payments.

In the area of education, Senator DODD and I, along with Senator GREGG, have developed an amendment that will protect from creditors contributions made for education expenses to education IRAs and qualified state tuition savings programs. This is a significant protection for those who honestly put money away for the benefit of their children and grandchildren's educational expenses. The potential that education savings accounts will be abused in bankruptcy is addressed by the amendment's requirement that only contributions made more than a year prior to bankruptcy are protected. I believe that protecting educational savings accounts is particularly important because college savings accounts encourage families to save for college, thereby increasing access to higher education. Nationwide, there are more than a million educational savings accounts, meaning there are more than a million children who would benefit from this amendment. As much as I believe that the bankruptcy laws need to be reformed to prevent abuse and to ensure debtors take personal responsibility, the ability to use dedicated funds to pay the educational costs of children should not be jeopardized by the bankruptcy of their parents or grandparents.

I have also developed a debt counseling incentive provision, which builds on the credit counseling provisions currently in S. 625. It removes any disincentive for debtors to use credit counseling services by prohibiting credit counseling services from reporting to credit reporting agencies that an individual has received debt management or credit counseling, and establishes a penalty for credit counseling services that do. Debt management education is vital to reducing the number of Americans who, because of poor financial planning skills, are forced to declare bankruptcy. Providing crediting counseling—instruction regarding personal financial management—to current and potential filers will help curb bankruptcy filing.

In addition, I intend to offer an amendment that is designed to curb fraud in filing. This amendment puts in place new procedures and provides new resources to enhance enforcement of bankruptcy fraud laws. It will require No. 1 that bankruptcy courts develop procedures for referring suspected fraud to the FBI and the U.S. attorney's office for investigation and prosecution and No. 2 that the Attorney General designate one assistant U.S. attorney and one FBI agent in each judicial district as having primary responsibility for investigating and prosecuting fraud in bankruptcy.

I also plan to offer an amendment that will allow a victim of a crime of violence or drug trafficking offense or another party in interest to petition the bankruptcy court to dismiss a petition voluntarily filed by a debtor who was convicted of the crime of violence or drug trafficking offense. In order to protect women and children who may be owed payments by such a debtor, however, the amendment would still allow the bankruptcy petition to continue if the debtor can show that the filing of the petition is necessary to ensure his ability to meet domestic support obligations. Bankruptcy is not an entitlement—it is a process by which certain qualifying individuals with substantial debts may cancel their debts and obtain a ''fresh start.'' Under this amendment, violent criminals and drug traffickers—individuals who have chosen to engage in serious, criminal conduct—would be precluded from availing themselves of the benefits of bankruptcy protection.

Again, I thank Senator GRASSLEY, the distinguished chairman of the Judiciary Committee's Subcommittee on Administrative Oversight and the Courts, for his leadership and dedication to this effort, and look forward to working with him and the subcommittee's ranking member, Senator TORRICELLI, in passing this legislation.

Let's look at a couple of other charts. This one is done by Penn, Schoen and Bergland Associates, Inc.: 83 percent of the American people favor an income test in bankruptcy reform. Only 10 percent oppose it and 7 percent don't know. So we should have an income test in bankruptcy reform.

Americans agree that bankruptcy should be based on need. Ten percent believe an individual who files for bankruptcy should be able to wipe out all their debt regardless of their ability to repay that debt. Only 10 percent of our society believe that, and I am surprised that many people believe that. If somebody has the ability to pay a debt,

why should they stiff other people with their debts and why shouldn't they have to live up to paying off their debts?

Four percent refused to answer this. But 87 percent believe an individual who files for bankruptcy—all of this yellow—should be required to repay as much of their debt as they are able and then be allowed to wipe out the rest.

That makes sense. Otherwise, we have people who are using the bankruptcy laws as an estate planning device. We have people who every 5 years file for bankruptcy after running up all kinds of bills and enjoying the life of Riley during those intervening years. What we want to do is have people realize there are some disincentives for doing that and that they have to pay some of these bills themselves.

These particular charts show that the American people have their heads screwed on right, except for about 10 percent of them. If an individual has the ability to repay some of the debt, they ought to be able to and they ought to want to, they ought to do what is right, and 87 percent of the American people believe that is the case. Only 10 percent believe they should be able to wipe out any debts at any time by going into bankruptcy.

I hope we can get people to vote for cloture on this matter so we can proceed and so we will not have any further delay in passing what really will be one of the most important bills in this particular session of Congress.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, I suggest the absence of a quorum and ask that the time be divided equally.

The PRESIDING OFFICER. Time will be charged to both sides. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I will speak briefly in opposition to cutting off debate on S. 625, the Bankruptcy Reform Act of 1999. I say to my colleagues, the entire concept of the bill is wrong. It addresses a ''crisis'' that appears to be self-correcting. It rewards the predatory and reckless lending by banks and credit card companies which fed the crisis in the first place, and it does nothing to actually prevent bankruptcy by promoting economic security for working families.

To support, if you will, my case on the floor, I will talk about a couple of amendments I intended to offer to this bill which I think will make a huge difference. Let me give a couple of examples.

One amendment will prevent claims in bankruptcy on high-cost credit transactions in which the annual interest rate exceeds 100 percent, such as pay-day loans and car title pawns. Payday loans are intended to extend small amounts of credit, typically $100 to $500, for an extremely short period of time, usually 1 week or 2 weeks.

These loans are marketed as giving the borrower a little extra until pay day, hence the term ''pay-day'' loan. The loans work like this:

The borrower writes a check for the loan amount plus a fee. The lender agrees to hold the check until an agreed-upon date and gives the borrower the cash. On the due date, the lender either cashes the check or allows the borrower to extend the loan by writing a new check for the loan. In any case, the annual interest rate can get as high as 391 percent.

We ought to do something about that, Mr. President. I have an amendment that will make a difference. I believe I would win if I offered this amendment to address this problem.

Another amendment I want to offer is about making sure banks offer low-cost banking services to their customers. For about 12 million Americans, having a checking account is a simple convenience which they cannot afford. Why? Because quite often there is a large minimum or you have fees that are really too high, and therefore people cannot even have these accounts. I want to make sure these banks are responsive to low-income citizens as well.

Mr. President, I was on the floor last week for several hours talking about the crisis in agriculture. I said that those of us from the farm States want an opportunity to pass legislation that would change the course of policy and prevent our family farmers from being driven off the land and prevent, really, what is right now the devastation of our rural communities.

The minority leader, Senator DASCHLE, has an amendment to get the loan rate up, to get prices up, which I support. I have an amendment—and Senator DORGAN will join me—which basically says we are going to—for 18 months, until we pass some antitrust action—put a moratorium on a lot of these mergers and acquisitions. We want to have some competition in the food industry.

I think I can get a lot of support from Republicans as well as Democrats. I think there will be a lot of support on the floor of the Senate for these amendments that try to do something about changing farm policy so our producers—whether they be in Minnesota, whether they be in Idaho, whether they be in the Midwest, or whether they be in the South—are able to make a living and support their families.

In all due respect—I hate to say this—bankruptcy is all too relevant to what these family farmers are going through. I have an amendment that says we ought to do some policy evaluation if we are going to be talking about bankruptcy and we are not going to do a darn thing to deal with the predatory policies of these credit companies, that we are not going to do a darn thing about the ways in which they hook people in who have precious little consumer protection, that if we are going to talk about low-income citizens, I would like to see some policy evaluation.

I would like to see us have some understanding about what is going on in welfare. Where are these mothers and children who are no longer on the rolls? What are their wage levels? Is there affordable child care? Do these families have health care coverage or do they not have health care coverage?

It is also the case that my colleague who sits right next to me, Senator KENNEDY, has an amendment he wants to offer to raise the minimum wage. I find it interesting that what we have here is a piece of legislation that does nothing by way of providing consumer protection, does nothing by way of challenging these credit card companies, and does absolutely nothing to prevent the bankruptcy in the first place.

We have the evidence that shows that very few people—maybe 3 percent—have abused the law. And because of that, we are passing a draconian, harsh piece of legislation which imposes enormous difficulties on the poorest families, on working-income families. Yet when some of us say we want to bring some amendments to the floor that deal with exorbitant interest rates, to make sure that low-income people have access to banking services, and to make sure we do something about the economic security for working families—and I include family farmers who are going bankrupt—we are told by the majority leader we are going to be shut out from being able to offer amendments, and therefore the majority leader files cloture.

We will have a cloture vote. I am going to vote against cloture; I am sure many of my colleagues are going to vote against cloture, and then I am sure the majority leader is going to pull the bill. If he pulls the bill, that will be actually a plus for Americans. This is a deeply flawed piece of legislation—great for the credit companies, terrible for consumers.

But if he pulls the bill, also that is basically a message to those of us who for weeks now have been saying we want to come to the floor with substantive amendments, to fight for the people we represent, to do something about making sure they have a decent chance—and I am talking in particular about family farmers. Basically what I am hearing from the majority leader

is: Anytime you say you are going to come to the floor with these amendments, I am going to pull the legislation. I am not going to give you a vehicle. We are not going to have an up-or-down vote on minimum wage.

Apparently, a lot of my colleagues on the other side do not want to be on record; we are not going to have an up-or-down vote on getting farm prices up; we are not going to have an up-or-down vote on a moratorium dealing with these mergers and acquisitions; We are not going to have an up-or-down vote on amendments that really do deal with these payday loans, with these exorbitant interest rates, making sure again that low-income people have access to banking services.

I think there will not be enough votes for cloture. I do not think there should be enough votes for cloture. I want to say today on the floor of the Senate, especially to the majority leader—not so much to my colleague from Utah—if each and every time, as a Senator from an agricultural State, I am going to be shut out from having any vehicles whereby I can bring some amendments to the floor to change farm policy so these producers do not go under in my State, then I am going to have to look for whatever leverage I have as a Senator to force some cooperation on the other side so we can have a genuine, substantive debate about a lot of issues that are important to people's lives.

Let's talk about raising the minimum wage. Let's talk about what is happening to family farmers. Let's talk about health care policy. Let's talk about consumer protection.

This effort on the part of the majority leader—and I guess, therefore, the majority party—to shut us out from introducing substantive legislation that would make all the difference in the world to the people we represent is just simply unacceptable. I do not think this is any way for us to operate as a Senate. I urge my colleagues to vote against cloture.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I yield 7 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 7 minutes.

Mr. SESSIONS. I thank the Senator from Iowa and appreciate his steadfast leadership on this issue. I also thank the distinguished chairman of the Judiciary Committee, Senator HATCH, for his leadership.

We have worked over the past several years to produce a much needed piece of legislation, a reform of Federal bankruptcy law. Bankruptcy is provided for in the U.S. Constitution, and we have seen some remarkable changes in the last few years that demand that we reform the system.

Last year there were over 1.4 million bankruptcies filed in America. That comes out to almost 4,000 filings every day of the year. Since 1990, personal bankruptcies are up 94.7 percent. This dramatic increase in personal bankruptcies occurred in spite of the fact that over that same period business bankruptcies fell 31 percent and the country enjoyed a healthy and expanding economy. These statistics demonstrate there is need for reform immediately.

Bankruptcy exists to provide relief as a last resort for the most debt-ridden individuals. It is not a financial planning device. This bill was needed last year, but it did not pass due to the same kinds of partisanship and political tactics we have seen here today.

This year, I think Congress will pass this bill. I hope we will proceed to it today for a final vote. The majority leader of the Senate and the Members of this Senate have a lot of work to do this year. We have quite a number of critical appropriations bills, including the Defense appropriations that may come up later tonight. We have to consider those bills.

We cannot have a bankruptcy bill like the one that passed this Senate last year with 97 votes—a very similar bankruptcy bill which almost every single Senator voted for. That bill turned into a Christmas tree of amendments on every kind of unrelated issue that any Senator wanted to bring up, and I am afraid that the same thing might happen today.

Why is this happening? I will tell you why. Some Senators do not want this bill to pass, but they are afraid to vote against it straight up, and so they offer amendment after amendment, and they tell the majority leader: We won't have any limit. We want to offer as many amendments as we can on a number of unrelated subjects—international affairs, economics, whatever they want to bring. This means we could be here for weeks on a bill that has been debated for the last 2 years with great intensity. The Senate does not need that. The majority leader cannot allow that to happen. We will have to not proceed with it, I assume, if we cannot get cloture today.

A bankruptcy bill similar to this passed the House earlier this year 313–108. Senator GRASSLEY's bill came out of the Judiciary Committee 14–4. So I am proud to be a key sponsor of this. I think it makes the kind of changes we need without changing the fundamental principles that if a person is over their head in debt, helplessly unable to pay their debts, they ought to be able to wipe out those debts and start over. We have no dispute with that principle. That is a fundamental, historic principle.

I know it makes a lot of people mad to think that somebody does not have to pay their debts, that they can just go to court and wipe out their duly signed contract. But this country has always adhered to the view that if your debts reach a certain level and you cannot pay them, you can start afresh.

We do not have debtors' prisons. And I certainly agree with that. But we do have a growing trend in America in which people making $60,000, $80,000, $100,000 a year owe a significant—but not great—debt and just go into court and file straight bankruptcy under chapter 7. If they make $100,000 a year and they owe $60,000 that they could easily pay off in a period of years, they can go into bankruptcy court and wipe out their debt. These individuals can file under Chapter 7 and just not pay their debts—whether it is the guy next door, the garage mechanic, the automobile car dealer, the credit card bank note—that debt can simply be wiped out. There is no way a court can stop this behavior right now. It is not being stopped. And it is going on regularly.

What Senator GRASSLEY's legislation does is say to the courts: You have a duty to look at the debtor's income, to analyze what a person's income is. If they are able, over a reasonable period of time, to pay back a significant portion of their debt, they ought to pay it back. Why? Because it is a moral question. And the moral question is this: The man making $100,000, who owes $60,000 in debt—$2,000 of that may be to the mechanic who fixed his car—who ought to be paying that?

Who ought to get the money? The man who did the work for him and fixed his car or fixed the roof on his house? Should he be paid, or should this man be able to live in his house bankrupt and not pay his debt to the people who helped fix it for him? It is just that simple. It is a question of justice and right and wrong.

One provision that I worked hard to put into this bill that I think is good and very innovative is a requirement that people at least consider an approach to credit counseling before they actually file for bankruptcy. There are a number of excellent credit counseling agencies in America. They can sit down with people and negotiate with their creditors and get them to reduce the interest rates. They can help people make payment plans. They help the family put a budget together. If somebody is addicted to gambling, these credit counseling agencies can get them in Gamblers Anonymous. If they have mental health problems, they can help with that. The agencies can help them decide which debts ought to be paid first, such as the ones with the highest interest. They can negotiate on behalf of their clients delays in certain debt so they can pay others first.

I visited for virtually a full day at a credit counseling agency in my hometown of Mobile. I was extraordinarily impressed with what they do and the services they offer. This bill would require that, before you file for bankruptcy, you ought to at least talk to one of these credit counseling agencies.

We have seen what is happening today before. Senator GRASSLEY saw this at just about this time last year. We had a bill that came up and cleared the committee by an overwhelmingly

bipartisan vote—a bill that we got through this body with an overwhelming vote. I believe 97 Senators voted for it. Yet when it came back up, we had just these kinds of dilatory tactics designed to delay and put the bill off to avoid a vote. I don't know why that is true.

There is nothing but fairness and justice and improvement in this bill. It is time for us to respond to this growing rush of people who are claiming bankruptcy, many of whom don't deserve or need the protections of the judicial system to address their debts. We want bankruptcy to be available for those who truly need it but not for those who view it as an easy way to wipe out debts that they could pay.

I think we have made some real progress with this bill. I hope politics doesn't enter into the Senate's consideration of these reforms. If it does, I hope the American people will understand and look through the political tactics and the manipulation to see right through this.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first of all, before the Senator from Alabama leaves, he needs to be thanked for the outstanding work he has done to help put this compromise piece of legislation together that came out of committee by a bipartisan vote of 14–4, and also during the remarks he just presented for laying out the history of this legislation last year in which the bill passed 97–1. He very accurately stated what the situation is.

He also now raises the question, which is a legitimate question: What has gotten rotten in Denmark, so that all of a sudden a bill that passed 97–1 about a year ago is being filibustered in the effort to bring it up, if some people aren't playing some sort of game?

I thank the Senator from Alabama for his work on this bill.

I also thank him for reminding the Senate of what that situation was a year ago and raising the question of what has changed. Not much has changed. It is just that some people want to use tactics behind the scenes to keep a bill from coming out in the open when they wouldn't express those same views in a vote on the floor of the Senate.

Also, there was a previous speaker on the other side, a friend of mine, who recently spoke against the cloture motion to bring debate on this bill to a halt on the motion to proceed and then immediately get to the bill; he expressed a view that there ought to be opportunity to offer nongermane amendments on the issue of agriculture.

Normally, I am sympathetic to those opportunities to bring to the floor of the Senate the complaints and concerns of an economic crisis such as we are facing in agriculture. But I think there are opportunities available to do that other than messing up an opportunity to bring needed reform to the bankruptcy code.

Besides, during my remarks today, I am going to point out to the Senator from Minnesota how there are opportunities in this very bankruptcy bill to help the family farmer. They relate directly to the permanent reauthorization of chapter 12 bankruptcy. If that is not authorized in this bill—in fact, if this isn't done by the 1st of October—there is no chapter 12. Then, instead of using a chapter of the bankruptcy code that is written to the special needs of agriculture, the farmers are going to have to file for bankruptcy under chapter 11. That was written for corporate America. That doesn't fit the needs of agriculture. They are going to find, unlike chapter 12's existence for reorganization of farmers where 88 percent of them are still able to farm and maintain the family farming operation, that there will be a very high percentage of farmers forced to file under chapter 11, the chapter friendly to corporate structure, and they are not going to be farming anymore at all. They won't be farming as family farmers, if they farm.

Mr. President, we are coming soon to a cloture vote on the bankruptcy bill. If cloture is not invoked, it will be very unfortunate. I've worked very closely with the minority and with Senator TORRICELLI, who is the ranking member on the Subcommittee on Administrative Oversight and the courts, to fashion a bill which contains many changes and modifications requested by Democrats. For instance, the means-test is looser than I would personally prefer. But I have made this change to respond to concerns raised by the other side of the aisle.

I think we're in this situation because we have Members from the minority party who want to offer an unlimited number of amendments on subjects totally unrelated to bankruptcy. This, of course, is a delay and stalling tactic by imposing these nongermane amendments upon a very important bill, a bill that will pass this body by an overwhelming margin, if we get it up for a vote, but a bill that can be stalled by people who maybe don't want this bill to pass and don't want to face it head on, because this bill passed by a 97–1 vote in the last Congress.

From my conversations with the Republican leadership, I think it's fair to say that we are willing to accommodate a few unrelated amendments from the minority. But, it appears that some Members of the Minority want to turn the bankruptcy bill into a Christmas tree for everything you can think of. Obviously, that's not acceptable. So here we are. At some point, I hope that this situation is resolved. We Republicans stand ready to be reasonable.

I want to take this opportunity to talk about what is being delayed. The bankruptcy bill contains some very important provisions that are vital for family farmers, especially Midwestern family farmers, and particularly with this economic crisis even in my State of Iowa.

As we all know from recent debate on the emergency agriculture appropriations bill, which is in conference this very night to iron out the differences between the House and Senate, many of America's farmers are facing financial ruin. We have some of the lowest commodity prices in 30 years. Pork producers have lost billions of dollars—not just in income but in equity. The price of corn is currently well under the cost of production. And the cash market for soybeans has reached a 23-year low. This is all in addition to the poor weather conditions in parts of the Midwest and the drought in the 10 States of the Eastern United States.

Just last week, I sent a letter with a number of farm State Senators from both parties, including the Democratic leader, Senator DASCHLE, signing it, to all Senators, discussing the needs for reauthorization of chapter 12, which is done in this all-encompassing bankruptcy reform legislation.

As you can imagine, these difficult financial circumstances have sent many farming operations into a tailspin. Clearly, we need to make sure that the family farmers continue to have bankruptcy protection available during this difficult period. But bankruptcy protection won't be available if this bill is blocked by turning it into a Christmas tree.

I don't pretend to talk about bankruptcy being needed by the family farmers as a substitute for anything that can be done here in the Congress or what can be done through the marketplace to bring profitability because that is what is absolutely necessary. But under any circumstances, in good times or bad times, some farmers are going to need to have the protection of chapter 12, just as corporations in America have the protection of chapter 11. And farmers are entitled to a chapter that fits the needs of agriculture, the same way corporate America is entitled to a chapter that fits the needs of corporate America.

Title X of this bill makes chapter 12 permanent and makes several changes to chapter 12 to make it more accessible for farmers and to give farmers new tools to assist in reorganizing their financial affairs.

As things stand now, chapter 12 will cease to exist by September 30 unless we get this bill through the Senate, through conference, and on the President's desk. It would be a supreme act of irresponsibility if we let chapter 12 die and we leave our farmers without a last ditch protection against foreclosure and forced auctions.

Make no mistake about it. By delaying this bill, Senators who vote against cloture will leave family farmers across America exposed to forced auctions and foreclosures. That is what I urge the Senator from Minnesota to be cognizant of as he votes against cloture, as he indicated he would do.

Back in the mid-1980s, when Iowa was in the midst of another devastating

farm crisis, I wrote chapter 12 to make sure family farmers would receive a fair shake in dealing with the banks and the Federal Government as a lender of last resort. At that time I didn't know if chapter 12 was going to work or not, so it was only enacted on a temporary basis. Chapter 12 has been an unmitigated success. As a result of chapter 12, many farmers in Iowa and across the country are still farming and contributing to the American economy. With a new crisis in the farm country, we need to make chapter 12 a permanent part of Federal law. This bankruptcy bill provides for permanency for farmers.

Chapter 12 worked in the mid-1980s and it should be made permanent so family farmers in trouble today or any time in the future can get breathing room and a fresh start. This statement that chapter 12 works for farmers is backed up by an Iowa State University study of farmers who used chapter 12 during the 1980s. Mr. President, 88 percent of those farmers were successfully farming at the time of the study.

The Bankruptcy Reform Act doesn't just make chapter 12 permanent; the bill makes improvements to chapter 12 so it will become more accessible and helpful for farmers. First, the definition of a family farmer is widened so more farmers can qualify for chapter 12 bankruptcy protections. Second, and perhaps more importantly, my bankruptcy bill reduces the priority of capital gains tax liabilities for farm assets sold as a part of a reorganization plan. This will have the beneficial effect of allowing cash-strapped farmers to sell livestock, grain, and other farm assets to generate cash-flow when liquidity is essential to maintaining a farming operation. Together, all of these suggested reforms will make chapter 12 more effective in protecting America's family farms during this difficult period. These reforms will never happen if the bill is continually blocked by Senators offering unrelated and nongermane amendments.

It is imperative we keep chapter 12 alive. Before we had chapter 12, banks held a veto over reorganization plans. They wouldn't negotiate with farmers and the farmer would be forced to auction off the farm, even if the farm had been in the family for generations. The fact is that fire-type sales under these circumstances actually drive down prices at those auctions so both the creditor and the debtor end up with less. Now, because of chapter 12, the banks are willing to come to terms.

We must pass this bankruptcy reform bill to make sure America's family farms have a fighting chance to reorganize their financial affairs. Unless things change, this bill may be set aside because of stalling tactics by some Members on the other side of the aisle.

I ask unanimous consent to have printed in the RECORD a letter signed by five Members, including Senator JOHNSON of South Dakota, Senator BROWNBACK of Kansas, Senator Bob KERREY of Nebraska, and Senator Tom DASCHLE of South Dakota.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 13, 1999.

SUPPORT BANKRUPTCY PROTECTIONS FOR FAMILY FARMERS

DEAR COLLEAGUE: As the Senate returns to work for the final months of the first session of the 106th Congress, we will likely consider S. 625, ''the Bankruptcy Reform Act.'' We are writing to ask your support for Title X of S. 625, which contains vital protections for America's family farmers.

By now, we are sure that you are aware that the agricultural sector of our economy is experiencing severe distress. Due to grain, livestock, cotton, rice, and commodity indexes plunging to record lows this summer, many family farmers are in the midst of an economic crisis. Farmers across the nation are suffering some of the lowest farm commodity prices in 30 years. Pork producers have lost billions of dollars in equity, the price of corn is currently well under the cost of production and the cash market for soybeans has reached a 23 year low. This is all in addition to the poor weather conditions in parts of the Midwest.

In the midst of desperate times in farm country, we believe that the important reforms contained the Title X of S. 625 are essential. Title X makes Chapter 12 of the bankruptcy code permanent. As it stands now, Chapter 12 will expire at the end of this fiscal year. If that happens, millions of family farms may face foreclosure and forced auctions. We believe that Congress has an affirmative responsibility not to leave financially troubled family farmers without the protections of Chapter 12.

Title X also alters Chapter 12 to make it more accessible and helpful for farmers. First, the definition of family farmer is widened so that more farmers can qualify for Chapter 12 bankruptcy protections. Second, Title X also reduces the priority of capital gains tax liabilities for farm assets sold as a part of a reorganization plan. This will have the effect of allowing cash-strapped farmers to sell livestock, grain and other farm assets to generate cash flow when liquidity is essential to maintaining a farming operation. Together, we believe that these reforms will make Chapter 12 even more effective in protecting America's family farms during this difficult period.

While floor debate may focus on other provisions of S. 625, we ask that you support Title X.

CHUCK GRASSLEY.
TIM JOHNSON.
SAM BROWNBACK.
BOB KERREY.
TOM DASCHLE.

Mr. GRASSLEY. I yield the floor and ask unanimous consent that a quorum call I suggest be equally charged to both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. 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. FEINGOLD. Mr. President, I will say a few words about the cloture vote we will have shortly on the bankruptcy bill, S. 625. I understand many in this body want to pass bankruptcy legislation this year. Certainly, the credit card industry is eager for the Senate to act. I want to be able to vote for what I consider a balanced bankruptcy bill.

Hardball tactics of this kind will not move this body closer to that goal. By filing a cloture motion a few seconds after he brought up the bill, the majority leader is predetermining the outcome. Cloture, I am glad to say, will not be achieved this afternoon. Cloture should not be achieved until Senators have a chance to offer amendments to the bill.

Bankruptcy is, of course, a very complicated area of the law. We have not had real bankruptcy reform and change since 1978. It has an impact upon millions of American consumers and businesses. Unfortunately, S. 625 is a very one-sided piece of legislation. I have found an amazing virtual unanimity among all the experts on bankruptcy. Whether talking to academics or judges or trustees and even practitioners—of course you expect to hear this from debtors' attorneys but also from many creditors' attorneys—they all say this bill as it stands today should not pass.

The only way to make it work, the only way to improve it, is to amend it. However, many of the amendments we want to offer—and they are very much relevant to the bankruptcy issue—could not be offered if we invoke cloture today.

So I am hopeful and believe Democrats will vote today against cloture, to protect their right to offer bankruptcy amendments to this bankruptcy bill.

Let me also take a moment to remind my colleagues that this body passed a bankruptcy reform bill last year by a vote of 97 to 1. I voted for it. We had nearly a unanimous vote for a bill. That bill could have become law if the conference committee had not disregarded the wishes of the Senate. Let me just be clear, in response to the comments a few minutes ago of the Senator from Iowa, there is nothing fishy going on here. It is not as if the same bill that passed 97 to 1 is before us. It is very much the opposite. This is the hard nosed, one-sided legislation that in my mind is the fantasy of the other body in this institution. It is not the bill I was comfortable voting for and was pleased to vote for last year.

This bill is not the balanced approach that the Senate came up with last year. So amendments, many amendments, frankly, are needed. The way to reduce the number of amendments is to accept some of them. Many of the amendments I and my colleagues are going to offer on this bill are reasonable, moderate, and widely supported. They will make this a more fair and balanced piece of legislation.

I urge my colleagues to vote ''no'' on cloture. And even more, I urge the majority leader and the proponents of this

bill to simply face the honest policy disagreements that need to be resolved either through amendments or through negotiations. Strong-arm tactics like filing for cloture right off the bat on a bill of this magnitude and complexity are not going to work.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DORGAN. Mr. President, 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, I ask consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE TRADE DEFICIT

Mr. DORGAN. Mr. President, today there was an announcement by the Commerce Department about this country's monthly trade deficit. This month our trade deficit in goods and services surged to a high of $25.2 billion just for the month. If you are just worried about manufactured goods, it's much higher than that; but for goods and services, the trade deficit was $25.2 billion just this month. It is the 7th consecutive month. We have a very serious trade deficit problem and nothing seems to be being done about it.

I want to show my colleagues a chart that describes what is happening with both exports and imports in this country. Incidentally, this will be met with a large yawn tomorrow in the newspapers. I assume the daily papers here in Washington, DC, will go to the same so-called experts for comments about what is causing the trade deficit. They will give the same comments they have given month after month, year after year. In fact, in the old days they used to say that the reason we have a trade deficit is because we have a fiscal policy deficit and as soon as we get rid of the budget or fiscal policy deficit, we will not run a trade deficit. Of course that is not the case. The trade deficit continues to grow at an alarming pace, even when the Federal budget deficit is largely erased.

The question is whether this Congress and this administration will decide that the current trade policy, which is drowning this country in red ink, will be changed and if so how it will be changed. I find it interesting that we are now headed towards a World Trade Organization meeting in Seattle, in late November and early December. During that first week of December, our trade officials will go to Seattle and talk with representatives from other countries around the world, talking about our trade policies. If ever there was a need for this country to decide its current trade strategy is unworkable, it is now, at this moment.

I thought it would be interesting to talk a little bit about what our trade officials have been doing while this huge trade deficit continues to explode. Recently, this country got angry with the European Union for, among other things, the European Union's refusal to lower barriers to the import of bananas into Europe. We do not produce bananas, but large American companies produce bananas in the Caribbean. They wanted to ship these bananas into Europe, but Europe didn't want their bananas.

This got us upset, so this country is taking tough action against Europe. We said, Europe, if you don't shape up this is what we are going to do. We are going to impose 100 percent tariffs on your products and selected the products we want to impose 100 percent tariffs on.

We went through a similar dispute with the European Union over imports of beef with growth hormones. And we imposed 100 percent tariffs on selected products. Let me show you what they are, among others: Roquefort cheese. That is getting tough, imposing a 100 percent tariff on Roquefort cheese. Goose livers—that's going to scare the devil out of the Europeans, a 100 percent tariff on goose livers. How about chilled truffles? That is getting tough. And animal bladders.

So this country cranks up all its energy because we can't get bananas we don't produce into Europe. In our dispute over beef hormones, we decide that we are going to clamp down on goose livers, truffles, and animal bladders. That is a trade strategy? I don't think so. If down at Trade Ambassador's office, down at Commerce or elsewhere, you want to do something to help this country's trade balance, then get serious about it. Do something to stand up for this country's producers. Force open foreign markets and demand—literally demand—other countries to stop the dumping of products into our marketplace below their acquisition cost, injuring our producers.

I have talked for a moment about goose livers, truffles, Roquefort cheese and animal bladders. Let me talk about something that is a bit different—durum wheat that is being hauled into this country from Canada in record supply. In North Dakota we produce 80 percent of all the durum produced in America. Durum, by the way, is ground into semolina flour and then turned into pasta. If you eat pasta, you are likely eating something that came from a field in North Dakota. Guess what is happening? Our farmers are losing money hand over fist, and at the same time Canadian farmers are dumping massive quantities of durum wheat into our marketplace, undercutting our farmers and injuring them badly.

What are we doing about it? Nothing. We don't lift a finger. We are willing to go to war over truffles and goose livers. We are willing to take tough action against the Europeans with Roquefort cheese. Do you think anybody will go to the northern border and decide to stop unfair trade coming into this country, injuring our family farmers? No. Not with this trade strategy.

This Congress and this administration need to understand that this is a very serious problem. Today's announcement of a $25.2 billion trade deficit for the month of July suggests again that we must take additional action. As we head towards the December meeting of the World Trade Organization, and as we see this morning's announcement about the trade deficit, I hope meetings here in the Congress, and with the administration, will allow us to develop a trade strategy that better represents this country's economic interests, stands up for this country's producers, and demands open foreign markets.

Mr. President, I know the Senator from Vermont wants to speak on the bill that is going to be pending so at this point let me yield the floor.

BANKRUPTCY REFORM ACT OF 1999

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the time situation? I thank the Senator from North Dakota for yielding.

The PRESIDING OFFICER. The minority has 12 minutes and 38 seconds remaining.

Mr. LEAHY. So the Senator from North Dakota was speaking on my time?

Mr. DORGAN. I was speaking in morning business.

Mr. LEAHY. No, I think the Senator from North Dakota had assumed he was speaking in morning business. I ask unanimous consent the time he was using was as in morning business and that I be given the full time I had available at the time he began speaking.

Mr. DORGAN. Mr. President, if I might inquire, I had sought consent to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. The Senator is correct. The Senator spoke under morning business.

The Senate was in a period of morning business. The Senate was not on the bill, and the time until 5:30 is controlled.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask unanimous consent that I have 15 minutes.

The PRESIDING OFFICER. Acting in my independent capacity as a Senator from Kansas, I object.

Mr. LEAHY. So the Senator from North Dakota effectively used my time? Is that what the Presiding Officer is saying?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I understand.

Mr. President, I was on the floor last week when the majority leader brought up S. 625, the Bankruptcy Reform Act of 1999, but then he immediately filed for cloture on the bill. I was rather surprised by the action, since, on behalf of the Democratic leader, I did not object to proceeding to the bankruptcy bill. Indeed, my side of the aisle was ready for a reasonable and fair debate on passing bankruptcy reform legislation. But when you file for cloture within seconds of bringing the bankruptcy reform bill up for debate on the Senate floor, that is not reasonable or fair. A cloture motion is for the express purpose to bring to a close debate but this was saying we will bring to close the debate before we even have the debate. It is as if we were in Alice in Wonderland. Cloture first, then debate.

Mr. President, every American agrees with the basic principle that debts should be repaid. The vast majority of Americans are able to meet their obligations. But, for those who fall on financial hard times, bankruptcy should be available in a fair and balanced way.

Our country's founders felt this principle was so important that it should be enshrined in the Constitution.

Article I, section 8 of the Constitution explicitly grants Congress power to establish uniform laws on the subject of bankruptcies throughout the United States.

We in Congress have a constitutional responsibility to oversee our nation's bankruptcy laws. The Senate should now take that constitutional responsibility seriously.

Unfortunately, this premature cloture motion to cut off debate before it even started on this bill is not a serious effort.

If we are going to respect the fact we are dealing with a constitutional issue here we should not start off the debate by stopping the debate. We know there is a rise in bankruptcies and people are abusing the system. Fine, let's close any loopholes in the bankruptcy code. But there are some other issues we should look at. What about credit cards? Last year we had a very balanced reform bill which passed 97 to 1 in the Senate. We had consumer credit card reforms in that bipartisan bill. Now we do not any consumer credit card reforms in this bill before us today. Should we not have some debate on whether we should get those reforms back in this bill to add balance to any reform measure?

As the Department of Justice stated in its written views on this bill: The challenge posed by the unprecedented level of bankruptcy filings requires us to ask for greater responsibility from both debtors and creditors. Credit card companies must give consumers more and better information so that they can understand and better manage their debts.

The Administration has made it clear that for the President to sign bankruptcy reform legislation into law it must contain strong consumer credit disclosure and protection provisions. I wholeheartedly agree.

The credit card industry must shoulder some responsibility for the nationwide rise in personal bankruptcy filings. Last year, the credit card lenders sent out 3.4 billion solicitations. That is more than 12 credit card solicitations a year for every man, woman and child in America.

I have an example of one of these credit card solicitations. Let me show you what happens in some of these credit card solicitation. Here is one for a Titanium Visa card. It was passed out after the movie: ''Austin Powers: The Spy Who Shagged Me.'' You get some kid coming out, he's handed this, it's ''titanium, baby.'' They will give one for you and one for Mini-me, I guess, at the movie theater. It calls its credit card ''titanium, baby.'' It has an introductory rate of only 2.9 percent. How could any 13-year-old coming out of that movie not want that great credit card?

Besides, it comes in three versions. Especially attractive to the 10-year-olds who might be getting one of these credit cards: ''Groovy Flowers,'' ''Shagadelie Swirls,'' and, of course, for their older siblings who might be 16 or 17, and more staid, you have ''Traditional.''

The next chart shows the second page of this credit card solicitation. They are now called, I can't quite do it like Austin Powers, but they are ''smashing baby.'' But then look at the small print: ''2.9 percent introductory,'' you teenagers, you cannot do better. Of course that's available only for the 5 billing cycles. Then the interest rate goes to 10.99 percent. Getting awful close to 11 percent. However, that is not quite the full story. You have an annual interest rate for cash advances that is 19.99 percent.

We are now up to 20 percent. Oh, no, wait. There is another little insy-binsy-winsy-tiny print in this solicitation. That is, if you have two late payments during any 6-month period, whoops, you are up to 22.99 percent.

Can you imagine, as the kids get these Austin Powers credit card applications as they are walking out of the theaters for 2.9 percent, all of a sudden they are up to 22.99 percent?

It is not all bad, and I want to speak in favor of the credit card companies. Most people seeing this would figure they are really out to shaft you; they are taking advantage of you; they are being unfair to you; they are being usurious; they are being greedy; they are being mean; they are being sneaky; they are trying to loop these people in. I know most people say that about the credit card companies, but I want to be fair to them because if you apply for this, you get the chance to receive two free tickets to the movie, one medium popcorn, and two small drinks.

I hope Senators who thought, because these credit card companies were deceiving these teenagers into something to give them a 22.9-percent rate, those credit card companies were being mean feel badly about that. After all, you forgot about the medium popcorn and the two small drinks and the two free movie tickets.

There are billions of credit card solicitations like this sent to Americans every year, and that has increased the number of personal bankruptcies. If cloture is invoked, then the Senate will be prevented from adding any credit industry reforms to this bill because the amendments will not be germane. That is not a reasonable or fair.

Senator TORRICELLI and Senator GRASSLEY negotiated with the credit card industry to craft a managers' amendment that incorporates many of the credit industry reforms proposed by Senators SCHUMER, REED, DODD, SARBANES, and others. It is a bipartisan effort, and I commend them. I am pleased to cosponsor this amendment to add more balance to the bill. But we cannot even hear about this bipartisan effort if we invoke cloture.

Senator KENNEDY plans to offer an amendment to increase the minimum wage over the next 2 years from $5.15 to $6.15 an hour. I am proud to be a cosponsor of that amendment. Maybe if we had a decent minimum wage we would have a lot less bankruptcies. It is more than appropriate to help working men and woman earn a livable wage on a bill related to bankruptcy.

These minimum wage workers are some of the same Americans who are struggling to make a living everyday and might be forced into bankruptcy by a job loss, divorce or other unexpected economic event. More than 11 million workers will get a pay raise as a result of a $1 increase in the minimum wage. We should all agree to help millions of hard working American families live in dignity.

But the Senate would be prevented from considering any amendment to raise the minimum wage if cloture is invoked on this bill now—on the first day of debate on bankruptcy reform. That is not reasonable or fair.

As we move forward with reforms that are appropriate to eliminate abuses in the system, we need to remember the people who use the system, both the debtor and the creditor. We need to balance the interests of creditors with those of middle class Americans who need the opportunity to resolve overwhelming financial burdens.

I welcome Senator TORRICELLI, the new Ranking Member of the Administrative Oversight and the Courts Subcommittee, to the challenges this matter presents. I know that he and his staff have been working hard and in good faith to improve this bill.

As the last Congress proved, there are many competing interests in the bankruptcy reform debate that make it difficult to enact a balanced and bipartisan bill into law. Unfortunately, Congress failed to meet that challenge last year after the Senate had crafted a bill that passed 97–1.

I look back to what Senator DURBIN did, with heroic efforts, last year in

crafting a bill that passed 97–1, and then it fell apart in a partisan conference. This is not a matter that should be partisan. Every one of our States has people who are facing bankruptcy. Every one of our States has the kind of shoddy practices shown here where we have these credit card applications passed out to kids coming out of a movie. They are almost designed to get them to go from this 2.9 percent interest to 23 percent interest as fast as they possibly can.

But if we are going to go into bankruptcy reform, let's do it right. I think we should. I worked hard in the Judiciary Committee on this bipartisan bill. Let's do it in a way that we look at all aspects of it, and let's ask some of the credit card companies and others if they are not doing as much to create the problem as anybody else.

I can give a lot of other examples. I could show you a member of my office whose 6-year-old son received a preapproved credit application for $50,000. All he had to do was sign it. I do not know about kids today, but when I was 6 years old, if I had a credit card with $50,000 worth of credit in my pocket, I could have thought of a lot of things I would have liked to have bought.

This may not be the spy that shagged us; it may well be the credit card companies that shagged the Senate. We ought to pay attention to the fact that when they are asking kids to pay 22.99 percent interest, there is more than one reason why we have bankruptcies in this country.

I am hopeful that this year Republicans and Democrats in the Senate can work together to pass and enact into law balanced legislation that corrects the abuses by both debtors and creditors in the bankruptcy system.

But this partisan attempt to prematurely cut off debate before we even started to consider this bill does not bode well for that effort.

I hope that once this cloture motion is defeated, the Senate will begin a reasonable and fair debate on bankruptcy reform legislation that reflects a balancing of rights between debtors and creditors.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

NOMINATION OF BRIAN T. STEWART TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF UTAH

CLOTURE MOTION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the nomination of Brian Theadore Stewart to be a U.S. District Judge for the District of Utah.

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 215, the nomination of Brian Theadore Stewart, of Utah, to be United States District Judge for the District of Utah Vice J. Thomas Greene, Retired.

Trent Lott, Orrin Hatch, Mike Crapo, Wayne Allard, Ben Nighthorse Campbell, Charles Grassley, Peter G. Fitzgerald, Connie Mack, Chuck Hagel, Rod Grams, Pat Roberts, Conrad Burns, Judd Gregg, Larry E. Craig, Robert F. Bennett, and Mike DeWine.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, under the order, this vote on the motion to invoke cloture on the Stewart nomination will occur immediately following the vote that is scheduled to begin momentarily. The first vote is on the bankruptcy reform cloture motion. The second vote would be on this cloture motion on the nomination of Brian Theadore Stewart to be U.S. District Judge for the District of Utah.

There could be one or two procedural motion votes that would follow after that, so Members should be on notice there could be up to four votes in succession here.

I yield the floor.

BANKRUPTCY REFORM ACT OF 1999—Resumed

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 109, S. 625, a bill to amend title 11 of the United States Code, and for other purposes:

Trent Lott, Chuck Grassley, Paul Coverdell, Mike Crapo, Craig Thomas, Larry Craig, Orrin Hatch, Don Nickles, Conrad Burns, Mitch McConnell, Pat Roberts, Fred Thompson, Slade Gorton, Phil Gramm, and Mike DeWine.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under rule XXII is waived.

The question is, Is it the sense of the Senate that debate on S. 625, a bill to amend title 11 of the United States Code, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

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

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—53

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McConnell	

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

ANSWERED ''PRESENT''—1

Fitzgerald

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 45, and one Senator responded ''present.'' Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

ORDER OF PROCEDURE

Mr. THOMAS. I ask unanimous consent the remaining votes in the series be limited to 10 minutes in length.

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

EXECUTIVE SESSION

NOMINATION OF BRIAN THEADORE STEWART, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

Mr. KENNEDY. Mr. President, I send an amendment to the desk on the minimum wage and ask for its immediate consideration.

The PRESIDING OFFICER. The Senate is not on that bill.

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

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

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

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative assistant proceeded to call the roll.

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

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

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 215, the nomination of Brian Theadore Stewart, of Utah, to be United States district judge for the district of Utah vice J. Thomas Greene, retired:

Trent Lott, Orrin Hatch, Mike Crapo, Wayne Allard, Ben Nighthorse Campbell, Charles Grassley, Peter G. Fitzgerald, Connie Mack, Chuck Hagel, Rod Grams, Pat Roberts, Conrad Burns, Judd Gregg, Larry E. Craig, Robert F. Bennett, and Mike DeWine.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under rule XXII is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Brian Theadore Stewart, of Utah, to be United States District Judge for the District of Utah, be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), is necessarily absent.

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 281 Ex.]

YEAS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McConnell	
Fitzgerald	Moynihan	

NAYS—44

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LEAHY. Mr. President, I deeply regret that we have reached this point in connection with the nomination of Brian Theadore Stewart to the District Court for Utah. Please understand that Democrats are prepared to vote on this nomination, as we are on all of the judicial nominations pending on the Senate Executive Calendar. This impasse is caused not by Democrats' refusals to vote on that nomination but by Republican refusals to allow a vote on the nominations of Judge Paez or Ms. Berzon. If we can vote on the Stewart nomination in less than 2 months, we should be able to vote on the Paez nomination within 4 years and the Berzon nomination within 2 years.

This debate is about fairness. The Senate needs to be fair to all people in this country. For too long nominees—judicial nominees like Judge Paez, Ms. Berzon and Justice Ronnie White of Missouri, and Executive Branch nominees like Bill Lann Lee— have been opposed in anonymity through secret holds and delaying tactics. They have been forced to run a gauntlet of Senate confirmation. Those strong enough to survive are being dealt the final death blow not by being defeating in a fair up or down vote on the nomination but through a refusal of the Republican leadership to call them up for a vote. These nomination are being killed through neglect and silence, not defeated by a majority vote.

Today we are not asking for any Senator's vote for any nomination. Instead, I am asking the Senate recognize that its responsibility is to vote on all the judicial nominations on the calendar. We can vote for them or against them, we can vote them up or vote them down, but after 44 months or 27 months or 20 months, after completing every step in what is a long, tortuous confirmation process, the nominations of Judge Richard Paez, Justice Ronnie White and Marsha Berzon are as entitled to a Senate vote as the nomination of Ted Stewart.

I do not begrudge Ted Stewart a Senate vote. Despite strong opposition from many quarters from Utah and around the country, from environmentalists and civil rights advocates alike, I did not oppose the Stewart nomination in Committee and I expect to vote for his final confirmation here on the floor of the United States Senate. I have been supportive of Chairman HATCH in his efforts to expedite Committee consideration of the Stewart nomination with the expectation that these other nominees who have been held up so long, nominees like Judge Richard Paez, Marsha Berzon and Justice White, were to be considered by the Senate and finally voted on, as well. The Chairman and I have both voted for Judge Paez and Justice White each time they were considered by the Committee and we both voted for and support Marsha Berzon.

I have tried to work with the Chairman and with the Majority Leader on all these nominations. I would like to work with those whom the Majority Leader is protecting from having to vote on the Paez and Berzon nominations, but I do not know who there are. In spite of what was supposed to be a Senate policy that did away with anonymous holds, we remain in a situation where I do not even know who is objecting to proceeding to schedule a vote on the Paez and Berzon nominations, let alone why they are objecting. In this setting I have no ability to reason with them or address whatever their concerns are because I do not know their concerns. That is wrong and unfair to the nominees.

I do not deny to any Senator his or her prerogatives as a member of the Senate. I have great respect for this institutions and its traditions. Still, I must say that this use of anonymous holds for extended periods that doom a nomination from ever being considered by the United States Senate is wrong and unfair.

Again, I say that this debate is about fairness and about the Senate being fair to all nominees and to other Senators and to the American people. If we can vote on the Stewart nomination within 4 weeks in session, we can vote on the Paez nomination within 4 years and the Berzon nomination within 2 years. That is the point that the distinguished Democratic Leader was making by moving to proceed to consider those nominations this evening. The Republican majority has refused to debate those nominations and continues its steadfast refusal to vote on them after years of delay.

I do not want to see any judicial nomination held up without a vote, but the Republican leadership is not being fair to the other judicial nominees on the calendar. We ask only for a firm commitment that they will each get an up or down vote, too. The Republican Majority refuses to make even that commitment to a vote before the end of the session on these qualified nominees.

In my statement last week I detailed the path that each of these nominees has traveled to the Senate. All are now available for a vote on confirmation by the Senate. All should be accorded an up or down vote.

Judge Richard Paez is an outstanding jurist and a source of great pride and inspiration to Hispanics in California and around the country. He served as a local judge before being confirmed to the federal court bench several years ago and is currently a Federal District Court Judge. He has twice been reported to the Senate by the Judiciary Committee and has spent a total of 9 months over the last 2 years on the Senate Executive Calendar awaiting the opportunity for a final confirmation vote. His nomination was first received by the Senate in January 1996, 44 months ago.

Justice Ronnie White is an outstanding member of the Missouri Supreme Court and has extensive experience in law and government. He is the first African American to serve on the Missouri Supreme Court. He has also been twice reported favorably to the Senate by the Judiciary Committee and has spent a total of 7 months on the floor calendar awaiting the opportunity for a final confirmation vote. His nomination was first received by the Senate in June 1997, 27 months ago.

Marsha Berzon is one of the most qualified nominees I have seen in 25 years. Her legal skills are outstanding, her practice and productivity have been extraordinary. Lawyers against whom she has litigated regard her as highly qualified for the bench. Nominated for a judgeship within the Circuit that saw this Senate hold up the nominations of other qualified women for months and years—people like Margaret Morrow, Ann Aiken, Margaret McKeown and Susan Oki Mollway—she, too, is listed ahead of the Stewart nomination on the floor calendar. Ms. Berzon was first nominated in January 1998, 20 months ago, and a year and one-half before Mr. Stewart.

It is against this backdrop that we are asking the Senate to be fair to these judicial nominees and all nominees. I do not want to see votes delayed on any nominee. For the last few years the Senate has allowed one or two or three secret holds to stop judicial nominations from even getting a vote. That is wrong.

The Chief Justice of the United States Supreme Court wrote in January last year:

> Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. . . . The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.

Let us follow the advice of the Chief Justice. Let the Republican leadership schedule up or down votes on the nominations of Judge Paez, Justice White and Marsha Berzon so that we can vote them up or vote them down. And so that we can proceed on all the judicial nominations that our federal courts need to do their job of administering justice. Let us be fair to all.

Mrs. BOXER. Mr. President, I voted against cloture on the Stewart nomination because the process that brought us to this vote has, to date, prevented the Senate from even considering the nominations of several other judicial nominees who have been waiting far longer than has Mr. Stewart.

Richard Paez and Marsha Berzon, two nominees for the 9th Circuit, have both been reported by the Judiciary Committee and have been on the Senate Executive Calendar since July. But, more important, their nominations have been pending in the Senate for years—2 years in the case of Ms. Berzon and three years for Judge Paez!

It is patently unfair to ignore these fine nominations while moving forward on the Stewart nomination. I have no problem with Mr. Stewart, as far as I know. But this is an important process question, and I simply had no choice but to vote no on cloture on Stewart until we are assured of also moving ahead with those nominations which have been pending far longer.

Mr. KOHL. Mr. President, Ted Stewart, as any other nominee, deserves a vote. And eventually, I expect to vote for him, because I respect the judgment of my friend ORRIN HATCH and of the President. But there is a long line of qualified nominees ahead of him and, at least at this point, it's not right for him to ''cut'' in line.

For example, just compare Mr. Stewart's path with that of another qualified candidate, Tim Dyk, a nominee for the Federal Circuit. Mr. Dyk was first nominated 18 months ago, came out of Committee with strong bipartisan support, then stalled on the floor in the last days of the session because of a ''secret'' hold. He was nominated again eight months ago, and he has still never been placed on the agenda.

As for Mr. Stewart, he was nominated less than two months ago, and it took him just 48 hours to go from nomination, to hearing, to Committee approval. Now Mr. Stewart is up for a full Senate vote just 53 days after he was nominated. Meanwhile, five hundred and two days after Tim Dyk was nominated, he seems to be going nowhere fast.

That makes no sense to me or, I suspect, to Chairman HATCH, who also supports this nominee.

Mr. President, as with Mr. Stewart, Mr. Dyk will, I predict, be confirmed with bipartisan support. He's a first-rate intellect. He passed this Committee by a 14 to 4 vote last year, and all of us know that the Federal Circuit would be lucky to have someone of his caliber.

Like Tim Dyk and Ted Stewart, there are many other deserving nominees out there. Let's not play favorites. These nominees, who have to put their lives on hold waiting for us to act, deserve an ''up or down'' vote. And, more importantly, the American people deserve prompt action, so that our courts can stay on top of their workload, and continue putting criminals behind bars.

So, Mr. President, I expect to support Ted Stewart, but don't think he alone should get the timely consideration that all nominees—including Tim Dyk, Marsha Berzon and Richard Paez—deserve. So I hope we can get an agreement to move forward not only Mr. Stewart, but also other deserving nominees. Thank you.

LEGISLATIVE SESSION

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000—CONFERENCE REPORT

Mr. LOTT. Mr. President, under the previous consent agreement, I ask the Chair to lay before the Senate the conference report to accompany the DOD authorization bill.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1059), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 5, 1999.)

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senate Democratic leader.

FAILURE OF REGULAR ORDER IN THE SENATE

Mr. DASCHLE. Mr. President, I wanted to have the opportunity to talk about the next four votes because it is critical that everyone understand what really is at stake tonight. Many Democratic Senators are in favor of the bankruptcy bill. Many of us have indicated publicly we support a bankruptcy bill. But we also support debate on a bankruptcy bill.

We support the opportunity to take up a bill under the regular rules of the Senate, regular order, have a good debate, have amendments offered, do what we should do in the Senate tradition, and have the kind of full and open debate we have not had on a bill since last May.

We have not brought a nonappropriations bill to the Senate floor since last May under the normal Senate rules.

Every single bill that has come before us since May has been under unanimous-consent agreements that circumvent, if not completely eliminate, the use of the normal Senate rules.

I had a clear understanding, as early as last summer, that when we brought the bankruptcy bill up, it would come up under normal Senate rules. I understand times change and circumstances

change, but it is regrettable—although not surprising—that once again cloture was filed preemptively and without good cause.

Keep in mind, when one files cloture, it calls for the end of all debate. It is amazing to me that tonight we are voting on a motion to end all debate before we have even had any debate. Not a word of debate has been uttered on the bankruptcy bill.

We find ourselves in an amazing Orwellian circumstance in which we are ending debate before it begins, calling it a debate, filing cloture, and calling it quits. We cannot do that.

Time after time, I have indicated that many of us have opportunities to stop legislation, and we will be inclined to do that if we have no opportunity to bring up amendments, as regular order would allow. Again, many of us support bankruptcy reform and want to see a bankruptcy bill, but we also want to be able to offer amendments.

If cloture is invoked tonight, many of the amendments we had agreed to prior to bringing the bill to the floor will fall—amendments that both sides agree will improve the bill. Cloture will actually prevent those relevant amendments from being considered.

I do not know why any colleague would vote to eliminate even relevant amendments, amendments for which there is agreement. We have a managers' amendment to make improvements to the bill, but under cloture it would be subject to a point of order.

We want to go to bankruptcy. I want to see if we can reach some agreement on going to bankruptcy, but we cannot continue to gag Senators and prevent them from using the normal rules of the Senate in offering amendments.

Second issue: Cloture on Mr. Stewart. I have indicated publicly that even though I have some misgivings about Mr. Stewart, I will support him. This issue is not about Mr. Stewart. This issue is about the 45 nominations that are still pending, awaiting Senate action a few weeks before the end of the session. This issue has to do with 38 nominations in committee, 24 district, 13 circuit, and 1 International Trade Court judge. This issue has to do with nominees who have been waiting for the Senate to act now since January of 1996.

Judge Richard Paez, who is currently a U.S. district court judge, was first nominated in January of 1996. Judge Paez has been waiting 3½ years for a Senate vote—3½ years. That is half a Senate term. He has been waiting half a Senate term for the Senate to act. He has been waiting for more than 1,300 days for the Senate to vote, or 25 times longer than Mr. Stewart. Mr. President, 1,300 days is a long time to wait for the Senate to act. Judge Paez is a patient man, but I do not think it is too much to ask that, up or down, we let him get on with his life, up or down he have the opportunity to have a vote, up or down we say yes or no, you will be a circuit judge.

Justice Ronnie White, the first African American to serve on the Missouri Supreme Court, was originally nominated on June 26 of 1997. He was actually put on the calendar in this Congress on July 22 of 1999, but he has waited for a total of over 7 months on the calendar in this and in previous Congresses.

Marsha Berzon was first nominated in January of 1998. Her nomination has been pending over 10 times longer than Ted Stewart's nomination.

There are 64 vacancies in the Federal judiciary today. Chief Justice Rehnquist has noted that and has urged the Senate to act. We have 45 nominations pending in the Senate right now awaiting action either in the committee or on the floor. There are seven nominations on the Executive Calendar. Only 17 judges have been confirmed to date.

Some might claim: We have seen that happen before. I hate to say ''when we were in the majority,'' but when we were in the majority, during the first session in 1991, the last year we were in the majority in a nonelection year, we confirmed 57 judges; in 1992, an election year, we confirmed 66 judges. In the election year 1994, the last election year where we were in the majority, we had 101 judges confirmed.

All one has to do is look back at past precedent. All one has to do is look at the terrible unfairness of someone having to wait 1,300 days, 25 times longer than Ted Stewart, months and months—10 times longer than Ted Stewart in the case of Marsha Berzon—to see how unfair this system is.

I want to find a way to work through this. I know Senator HATCH, the chairman of the Judiciary Committee, wants to find a way through it. I am hopeful we can find a way through it within the next few days. Tonight I will move to proceed to the nominations of Judge Paez and Ms. Berzon, and we will have an opportunity to express ourselves on the importance of these judges. We will vote. I hope the majority will not oppose moving to proceed to those two judges: Ms. Berzon, an exceptional nominee for the ninth circuit; and Judge Paez, a sitting district court judge, a Hispanic American, also fully qualified, a nominee for the Ninth Circuit. I hope we can find a way to resolve our differences and move forward.

I felt strongly about the importance of having these votes. I feel equally strongly about the importance of trying to resolve this impasse. We will make every effort to do so. I believe my colleagues will support an effort to break this impasse, recognizing that, as important as this is, we cannot go home leaving all of this work undone.

I hope we can do so this week. I know the majority leader has indicated a willingness to perhaps even hotline Judge Paez and Ms. Berzon. I hope that will happen this week. If that happens, we will be in a better position to know just how much opposition there is. We have to move on. We have to have these votes. We have to confirm these nominations. We have to ensure we can pass a good bankruptcy bill. There is so much more we can and ought to do. That will take working together, and I stand ready to do so.

NOMINATION OF MARSHA L. BERZON OF CALIFORNIA TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT—MOTION TO PROCEED

Mr. DASCHLE. I now move to proceed to executive session to consider calendar No. 159, Marsha L. Berzon, of California, to be United States Circuit Judge for the Ninth Circuit, and 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 proceed to executive session to consider the nomination of Marsha L. Berzon, of California, to be United States Circuit Judge for the Ninth Circuit. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

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

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NAYS—54

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner

NOT VOTING—1

McCain

The motion was rejected.

NOMINATION OF RICHARD A. PAEZ, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT—MOTION TO PROCEED

Mr. DASCHLE. I move to proceed to executive session to consider Executive Calendar No. 208, Richard A Paez, to be a U.S. Circuit Court Judge for the Ninth circuit. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BENNETT). 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 proceed to executive session to consider the nomination of Richard A. Paez, of California, to be United States Circuit Judge for the Ninth Circuit. 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 Arizona (Mr. MCCAIN) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

The result was announced—yeas 45, nays 53, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NAYS—53

Abraham	Fitzgerald	Murkowski
Allard	Frist	Nickles
Ashcroft	Gorton	Roberts
Bennett	Gramm	Roth
Bond	Grams	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith (NH)
Campbell	Hatch	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McConnell	

NOT VOTING—2

Helms	McCain

The motion was rejected.

Mr. HATCH. Mr. President, I must begin by confessing my disappointment that the minority would refuse to avoid a filibuster of one of the nominees of its own administration, when the record of this Senate so dramatically proves the deference this Senate has shown to this administration's judicial nominees. But that is what has just happened this evening, and in the face of this blatant double standard by the minority, I will only say that I will continue to work in good faith to secure a vote on the merits on the President's nomination of Ted Stewart to be a Federal district court judge.

When I speak of the traditional deference the Senate has shown to the executive in matters of Federal judicial nominations, I believe I speak with considerable experience. Since the time I was first sworn into the Senate in 1977, I have participated in and witnessed the confirmation of 1,159 judges and Justices, and have voted in favor of almost all of them.

I have personally presided over the confirmation of 321 of President Clinton's judicial appointments. This accounts for almost a quarter of the entire Federal judiciary. And this session alone, I have held 4 judicial confirmation hearings, and reported 24 nominees out of committee.

This evening's cloture vote concerns me all the more because I had publicly stated, in response to some of my colleagues' concerns about moving forward with other judicial nominations, that we would hold another hearing in this month of September, yet another in October, and, if the Senate continued in session throughout November, that it had been my hope to hold yet another hearing during that time.

With these plans, we would have been on track to equal or exceed the historical average for first-session judicial confirmations by the Senate. And so I find it incredible that this distinguished body resorted to the unfounded criticism that we are not doing as much as we should to fill the ranks of the Federal judiciary.

And now, in light of today's vote on cloture, we shall have to reexamine the best way to move forward on judicial nominees so that we eliminate the double standard that has been applied tonight.

To take a step back, and apply some perspective to the matter at hand, I want to emphasize that I have made every effort to promote a fair nominations process, recognizing the defference a President is traditionally accorded in nominating judges akin to his political philosophy. I have done as much notwithstanding the sometime heated criticism of interest groups opposed to President Clinton's nominations.

Even nominees attacked by interest groups as liberal and controversial have received my support in the Judiciary Committee and on the Senate floor. In fact, since I have been chairman, I have never voted against any of the 31 Clinton judicial nominations for whom there has been a roll call vote. I have supported these nominees not because I agreed with their philosophies, but because I have always believed that the judicial nominations process should be as free from politics as possible.

But let me offer some specifics. I have supported getting out of committee controversial nominees such as Judge William Fletcher, Judge Richard Paez, Judge Lynn Adelman, and Marsha Berzon, even though I would not have nominated them had I been President. Rather, so long as a nominee is qualified and capable of serving with integrity in a position, and I have his/her assurance that they will follow precedent, I believe they deserve to be confirmed.

Judge Fletcher, Judge Paez, and Ms. Berzon were opposed by a number of conservative organizations; yet, I supported their report by the committee to the floor. Now, Mr. Stewart is being unduly attacked by liberal groups. In this same spirit of bipartisanship with which I have supported this administration's nominees, it had been and continues to be my hope that the Democrats would support the nomination of Ted Stewart.

I ultimately want this body to recognize that, in the same manner that I have been fair to this administration's nominees in the face of severe opposition, trust must be placed in the judgment of home State senators for a nominee whose jurisdiction would be confined wholly to that senator's State. So now, as I expect we will soon be considering Ted Stewart, I will ask you to extend your deference to President Clinton's choice and the Judiciary Committee's ranking member's support, but also to extend your trust to the judgment of both senators from Utah.

Ted is a good, honorable person, who has been deemed qualified for a position as District judge of the District of Utah and who will make a wonderful District Court Judge. I urge the Democrats to stop playing politics with this nomination and allow a vote expeditiously.

I ask unanimous consent to have printed in the RECORD pertinent charts.

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

Status of article III judicial nominations

Total number of Clinton judges appointed, 1993-present	321
Clinton nominees confirmed during the 106th Congress:	
U.S. Circuit Court Judge	3
U.S. District Court Judge	14
Total confirmed	17
Vacancies in the Federal judiciary:	
U.S. Circuit Court	23
U.S. District Court	40
USIT	1
Total number of vacancies:	64
Percent vacant	7.6
Vacancies with no nominee slated to fill position:	
U.S. Circuit Court	7
U.S. District Court	14
Total number of vacancies without nominee	21
Nominations Pending:	
U.S. Circuit Court Judge	16
U.S. District Court Judge	28
USIT Judge	1
Total number of nominees	45
Nominees pending on the Senate floor	7

Status of article III judicial nominations—Continued

Nominees pending in committee w/hearing	6

Status of article III judicial nominations—Continued

Nominees pending in committee w/o hearing	32

HISTORICAL VACANCY AND CONFIRMATION RATES OF JUDICIAL NOMINEES

101ST CONGRESS

[Republican President (Bush)—Democrat Senate (Biden)]

	Convened—Jan. 3, 1989		Adjourned—Oct. 28, 1990		
	Judgeships	Vacancies	Confirmed	Judgeships	Vacancies
Supreme Court	9	0	1	9	0
Court of Appeals	168	10	22	168	7
District Court	575	26	48	575	25
Court of International Trade	9	1	0	9	1
Total	761	37 (4.9%)	71	761	33 (4.3%)

102ND CONGRESS

[Republican President (Bush)—Democrat Senate (Biden)]

	Convened—Jan. 3, 1991		Adjourned—Oct. 8, 1992		
	Judgeships	Vacancies	Confirmed	Judgeships	Vacancies
Supreme Court	9	0	1	9	0
Court of Appeals	179	18	20	179	16
District Court	636 (+13T)	107	101	636 (+13T)	79
Court of International Trade	9	1	1	9	2
Total	846	126 (15%)	123	846	97 (11.5%)

103RD CONGRESS

[Democrat President (Clinton)—Democrat Senate (Biden)]

	Convened—Jan. 5, 1993		Adjourned—Dec. 1, 1994		
	Judgeships	Vacancies	Confirmed	Judgeships	Vacancies
Supreme Court	9	0	2	9	0
Court of Appeals	179	17	19	179	15
District Court	636 (+13T)	90	107	636 (+13T)	46
Court of International Trade	9	2	0	9	2
Total	846	109 (13%)	128	846	63 (7.4%)

104TH CONGRESS

[Democrat President (Clinton)—Republican Senate (Hatch)]

	Convened—Jan. 3, 1995		Adjourned—Oct. 3, 1996		
	Judgeships	Vacancies	Confirmed	Judgeships	Vacancies
Supreme Court	9	0	0	9	0
Court of Appeals	179	16	11	179	18
District Court	636 (+13T)	52	62	636 (+11T)	46
Court of International Trade	9	2	2	9	1
Total	846	70 (8.3%)	75	844	65 (7.7%)

105TH CONGRESS

[Democrat President (Clinton)—Republican Senate (Hatch)]

	Convened—Jan. 7, 1997		Adjourned—Oct. 21, 1998		
	Judgeships	Vacancies	Confirmed	Judgeships	Vacancies
Supreme Court	9	0	0	9	0
Court of Appeals	179	22	20	179	14
District Court	636 (+10T)	62	79	636 (+10T)	35
Court of International Trade	9	1	2	9	1
Total	843	85 (10.1%)	101	843	50 (5.9%)

106TH CONGRESS

[Democrat President (Clinton)—Republican Senate (Hatch)]

	Convened—Jan. 4, 1999	
	Judgeships	Vacancies
Supreme Court	9	0
Court of Appeals	179	17
District Court	636 (+10T)	41
Court of International Trade	9	1
Total	843	59 (7.0%)

Mr. LEAHY. Mr. President, the distinguished Senator from South Dakota, Mr. DASCHLE, stated the case very well this evening about the unprecedented sequence of three votes on judicial nominations. As I look at the Senate floor now, I have served in this body longer than anybody presently on the floor. In 25 years, I have not seen an instance where we have had such a series of votes.

We certainly have had times when Republicans have been in control of the Senate and times when Democrats have been in control of the Senate where nominees were sometimes voted down and sometimes were voted up, which is the way it should be. When the President is of a different party from the party controlling the Senate, that does not mean that the President's nominee, the man or woman he nominates for whatever position, automatically has to be voted against because one party controls the Senate and a different party is in the White House.

I look at two of my very distinguished, dear friends on the floor—the Senator from Virginia and the Senator from Michigan—both of whom have voted many times for nominees of the President of the other party in a whole lot of areas, certainly within their expertise on armed services but also for ambassadors and judicial nominations.

I am sure that if the distinguished Senators sitting here were to go back and search their memories, they could think of a number of people for whom they voted who were confirmed and who were not the persons they would have nominated had they been President. They might have picked somebody else. They might have picked somebody with a different political

bent or ideology. But I think they have given the President of the United States the benefit of the doubt, and if the person is otherwise qualified, he or she gets the vote.

We have come to a difficult situation with judges. There continue to be a large number of vacancies, and there are a lot of nominees who are not being voted on. There are some that have waited for several years to be voted on. We talked about Judge Paez and Marsha Berzon who have been waiting for years to be voted on. We should either vote for or against them.

The distinguished chairman of the Senate Judiciary Committee deserves great credit for having gotten these nominees through our committee, notwithstanding opposition from some members of his own party, and for having gotten them onto the floor and on the calendar. I compliment the distinguished senior Senator from Utah, Mr. HATCH, for what he has done.

I have worked closely with him to help him get matters out of that committee. There were some matters with which I disagreed and that I voted against. But he was chairman, and I thought he should have as much leeway as possible in setting the agenda. I made it possible through various procedural actions for him to get his legislation out of committee.

Tonight we had a situation born out of the frustration, possibly mistakes, and, unfortunately, some unnecessary partisanship—although not partisanship between the distinguished chairman of the committee and myself. I intend to vote for his recommended nominee for district judge from Utah, Mr. Stewart. I intend to vote for him as I did in the committee.

I also intend to vote for Marsha Berzon. I intend to vote for Judge Richard Paez, Justice Ronnie White, and, for that matter, for all of the other judicial nominees who are on the Executive Calendar. I intend to vote for every one of them.

I hope we will have a chance to vote on them, not just in committee where I have voted for each one of them, but on the floor of the Senate. That is what the Constitution speaks of in our advise and consent capacity. That is what these good and decent people have a right to expect. That is what our oath of office should compel Members to do—to vote for or against. I do not question the judgment or conscience of any man or woman in this Senate if they vote differently than I do, but vote.

We have just a very few people, a small handful of people stopping these nominees from coming to a vote. Basically, the Senate is saying we vote ''maybe''—not yes or no—we vote maybe. That is beneath Members as Senators.

We are privileged to serve in this body. There are a quarter of a billion people in this great country. There are only 100 men and women who get a chance to serve at any time to represent that quarter of a billion people in this Senate. It is the United States Senate. No one owns the seat. No one will be here forever. All will leave at some time. When we leave, we can only look back and say: What kind of service did we give? Did we put the country's interests first? Or did we put partisan interest first? Did we put integrity first, or did we play behind the scenes and do things that were wrong?

I hope my children will be able to look at their father's representation in this body as one of honor and integrity, as many of my friends on both sides of this aisle have done.

I hope what happened tonight was something we will not see repeated. I understand the distinguished majority leader in going forward with his motion. I understand and support the motion of the distinguished Democratic leader.

Now that this has happened, can it be like the little escape valve on a pressure cooker? The distinguished Presiding Officer and I are from a generation that remembers the old pressure cookers prior to the age of microwaves. Certainly, my wife and I as youngsters saw a pressure cooker now and then in the kitchen. Let us hope that maybe tonight's votes will act as a little valve and let the pressure off.

I do not want to infringe on the kindness of the distinguished chairman and ranking member of the Armed Services Committee, two of the very best friends I have ever had in the Senate and two Senators whom I respect and like the most here.

Let me close with this: Maybe the pressure cooker has allowed its pressure to be released now. I suggest that the distinguished majority leader, the distinguished Democratic leader, the distinguished Senator from Utah, Mr. HATCH, and I now sit down and perhaps quietly, without the glare of publicity and the cameras, try to work out where we go from here. It may be necessary for the four of us to meet with the President. But let us find a way to tell these nominees they will get a vote one way or the other.

I am not asking anybody how they should or should not vote but allow nominees to have a vote. All the people being nominated are extremely highly qualified lawyers and judges. They have to put their lives on hold and the lives of their family on hold while they wait. They are neither fish nor fowl as a nominee. In private practice, all your partners come in and throw a big party and say it is wonderful, we are so proud of you, could you move out of the corner office because we want to take it now. And you cannot do anything while you wait and wait and wait.

Vote them up, vote them down.

Now that we have done this, let the cooler heads of the Senate prevail so the Senate can reassure the United States we are meeting our responsibility. Again, each Member is privileged to be here. There are only 100 Members, with all our failings and all our faults, to represent a quarter of a billion people. Let us represent that quarter of a billion people better on this issue.

The distinguished Senator from Utah, Mr. HATCH, and I have a close personal relationship. We will continue to have that. We will continue to work together, but the Senate has to work with us.

JUDICIAL NOMINATIONS

Mr. KENNEDY. Mr. President, for several months, many of us have been concerned about the Senate's continuing delays in acting on President Clinton's nominees to the federal courts. Since the Senate convened in January, we have confirmed only 17 judges and 43 are still waiting for action. These delays can only be described as an abdication of the Senate's constitutional responsibility to work with the President and ensure the integrity of our federal courts.

At the current rate it will take years to confirm the remainder of the judicial nominees currently pending before the Judiciary Committee. This kind of partisan, Republican stonewalling is irresponsible and unacceptable. It's hurting the courts and it's hurting the country. It's the worst kind of ''do nothing'' tactic by this ''do nothing'' Senate.

The continuing delays are a gross perversion of the confirmation process that has served this country well for more than 200 years. When the Founders wrote the Constitution and gave the Senate the power of advice and consent on Presidential nominations, they never intended the Senate to work against the President, as this Senate is doing, by engaging in a wholesale stall and refusing to act on large numbers of the President's nominees.

Currently, there are 61 vacancies in the federal judiciary, and several more are likely to arise in the coming months, as more and more judges retire from the federal bench. Of the 61 current vacancies, 22 have been classified as ''judicial emergencies'' by the Judicial Conference of the United States, which means they have been vacant for 18 months or more.

The vast majority of these nominees are clearly well-qualified, and would be confirmed by overwhelming votes of approval. It would be an embarrassment for our Republican colleagues to vote against them. It should be even more embarrassing for the Republican majority in the Senate to abdicate their clear constitutional responsibility to do what they were elected to do.

The delay has been especially unfair to nominees who are women and minorities. Last year, two-thirds of the nominees who waited the longest for confirmation were women or minorities. Already, in this Congress, the Senate is on track to repeat last year's dismal performance. Of the 11 nominees who have been waiting more than

a year to be confirmed, 7 are women or minorities. On the 50th anniversary of President Truman's appointment of the first African American to the Court of Appeals—Judge William Hastie—the Republican leadership should be ashamed of this record, particularly given the caliber of the distinguished African American, Latino, and female nominees waiting for confirmation.

For example, Marsha Berzon, Richard Paez, and Ronnie White have waited too long—far too long—for a vote on the Senate floor. Ms. Berzon is an outstanding attorney with an impressive record. She has written more than 100 briefs and petitions to the Supreme Court, and has argued four cases there. When she was first nominated last year, she received strong recommendations and had a bipartisan list of supporters, including our former colleague, Senator Jim McClure, and Fred Alvarez, a Commissioner on the Equal Employment Opportunity Commission and Assistant Secretary of Labor under President Reagan. Her nomination is also supported by major law enforcement organizations, and by many of those who have opposed her in court.

Ms. Berzon was first nominated in January 1998—20 months later, the Senate has still not voted on her nomination.

The Senate is also irresponsibly refusing to vote on two other distinguished nominees—Judge Ronnie White, an African American Supreme Court judge in the state of Missouri, and California District Court Judge Richard Paez. Judge White was nominated to serve on the District Court for the Eastern District of Missouri more than two years ago. Judge Paez was first nominated three years ago—three years ago—to serve on the Court of Appeals for the Ninth Circuit.

It is true that some Senators have voiced concerns about these nominations. But that should not prevent a roll call vote which gives every Senator the opportunity to vote ''yes'' or ''no.'' These nominees and their families deserve a decision by the Senate. Parties with cases, waiting to be heard by the federal courts deserve a decision by the Senate. Ms. Berzon, Judge White, and Judge Paez deserve a decision by this Senate.

While Republican leaders play politics with the federal judiciary, countless individuals and businesses across the country are forced to endure needless delays in obtaining the justice they deserve. Justice is being delayed and denied in courtrooms across the country because of the unconscionable tactics of the Senate Republican majority.

It is long past time to act on these and other nominations. I urge my Republican colleagues to end this partisan stall and allow the President's nominees to have the vote by the Senate that they deserve.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, there are now 2 hours for debate on the DOD authorization conference report. I ask unanimous consent the vote occur on adoption of the conference report at 9:45 a.m. on Wednesday and there be 15 minutes equally divided prior to the vote for closing statements.

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

Mr. LOTT. Therefore there will be no further votes this evening. The next vote will occur at 9:45.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000—CONFERENCE REPORT—Continued

Mr. WARNER. Mr. President, the distinguished majority leader has laid before the Senate the DOD authorization bill, and I inquire of the Chair if that is the pending business.

The PRESIDING OFFICER. That is the pending business.

Mr. WARNER. Mr. President, I am prepared to stay here for the remainder of the evening. This is a very important subject. I am joined by the distinguished ranking member, Mr. LEVIN.

However, I observed our distinguished colleague from New Mexico in the Chamber. It was my understanding he desired to lead off the comments on this bill tonight since the bill incorporates a very important provision which was sponsored by Senator DOMENICI, Senator MURKOWSKI, and Senator KYL. Seeing Senator DOMENICI I yield the floor to him.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to my fellow Senators, this bill is a very important bill. The part I worked on is very small. It has to do with reforming the Department of Energy as it pertains to the handling and maintenance of nuclear weapons and everything that goes with them.

I compliment those who prepared the overall bill. It is a very good bill for the defense of our Nation, and it deserves the overwhelming support of the Senate.

We had no other way to accomplish something very important with reference to a Department of Energy that was found to be totally dysfunctional, not by those who have tried over the years to build some strength into that Department, some assurance that things would be handled well, but rather by a five-member select board that represented the President of the United States, headed by the distinguished former Senator Warren B. Rudman.

Those five members of the President's commission, with reference to serious matters that pertain to our national security, concluded that the Department of Energy could not handle the work of maintaining our weapons systems, maintaining them safe from espionage and spying, and could not handle an appropriate counterintelligence approach because there was no one responsible and, thus, everybody pinned the blame on someone else and we would get nowhere in terms of accountability.

I ask unanimous consent that the names of the five members of that board be printed in the RECORD, with a brief history of who they are and what they have done in the past.

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

PANEL MEMBERS

The Honorable Warren B. Rudman, Chairman of the President's Foreign Intelligence Advisory Board. Senator Rudman is a partner in the law firm of Paul, Weiss, Rifkind, Wharton, and Garrison. From 1980 to 1992, he served in the U.S. Senate, where he was a member of the Select Committee on Intelligence. Previously, he was Attorney General of New Hampshire.

Ms. Ann Z. Caracristi, board member. Ms. Caracristi, of Washington, DC, is a former Deputy Director of the National Security Agency, where she served in a variety of senior management positions over a 40-year career. She is currently a member of the DCI/Secretary of Defense Joint Security Commission and recently chaired a DCI Task Force on intelligence training. She was a member of the Aspin/Brown Commission on the Roles and Capabilities of the Intelligence Community.

Dr. Sidney D. Drell, board member. Dr. Drell, of Stanford, California is an Emeritus Professor of Theoretical Physics and a Senior Fellow at the Hoover Institution. He has served as a scientific consultant and advisor to several congressional committees, The White House, DOE, DOD, and the CIA. He is a member of the National Academy of Sciences and a past President of the American Physical Society.

Mr. Stephen Friedman, board member. Mr. Friedman is Chairman of the Board of Trustees of Columbia University and a former Chairman of Goldman, Sachs, & Co. He was a member of the Aspin/Brown Commission on the Roles and Capabilities of the Intelligence Community and the Jeremiah Panel on the National Reconnaissance Office.

PFIAB STAFF

Randy W. Deitering, Executive Director; Mark F. Moynihan, Assistant Director; Roosevelt A. Roy, Administrative Officer; Frank W. Fountain, Assistant Director and Counsel; Brendan G. Melley, Assistant Director; Jane E. Baker, Research/Administrative Officer.

PFIAB ADJUNCT STAFF

Roy B., Defense Intelligence Agency; Karen DeSpiegelaere, Federal Bureau of Investigation; Jerry L., Central Intelligence Agency; Christine V., Central Intelligence Agency; David W. Swindle, Department of Defense, Naval Criminal Investigative Service; Joseph S. O'Keefe, Department of Defense, Office of the Secretary of Defense.

Mr. DOMENICI. Mr. President, I am just going to address three issues as it pertains to the reform of the Department of Energy as it pertains to nuclear weapons development.

Mr. WARNER. Will the Senator yield?

Mr. DOMENICI. Yes.

Mr. WARNER. You opened by saying that this was a way to have the Senate

address this important subject. Of course, the Senator is aware that the Armed Services Committee oversees about 70 percent of the budget of the Department of Energy, so this is a very logical piece of legislation on which to put the important provision. And, of course, you and I worked together on it.

Mr. DOMENICI. Absolutely.

Mr. President, what I want to do is dispel any notion that the amendment that created a semiautonomous agency within the Department, to be headed by an assistant secretary who would be in charge of everything that has to do with nuclear weapons development—and they would do things in a semiautonomous way, not in the way that the rest of the Department of Energy does its business—is taking away the authority of the Secretary; that is, the Secretary of Energy.

The Department of Energy is an amorphous Department put together at a point in history when a lot of things were dumped in there. Some have no relationship to other matters in the Department. And, yes, we put the nuclear defense activities in that Department.

No one could contend that if the Congress of the United States, and the President concurring, wanted to take all of the nuclear weapons out of that Department and put them in an independent agency—which was one of the recommendations of the five-member panel—that that would be unconstitutional, illegal. And there would be no Secretary of Energy involved at all.

The other suggestion was, rather than make it totally independent, to leave it within the Department and make it semiautonomous. We did that.

The Secretary, and some of those arguing on behalf of a different approach, chose to say that the Secretary does not have enough to do and enough sayso about nuclear weapons development, and therefore it is wrong.

I want to read from the bill's two provisions.

> In carrying out the functions of the administrator—

That is the new person in charge of the semiautonomous agency—

> the undersecretary shall be subject to the authority, direction, and control of the Secretary.

Second:

> The Secretary shall be responsible for establishing policy for the National Nuclear Security Administration.

It goes on with two other provisions assuring that the overall policy is under the jurisdiction of the Secretary.

But I remind everyone, had we chosen not to do that, it would have been legal. We could have taken it all out and had no Energy Secretary involved. We chose not to. We chose to say: Leave it there so there can be some cross-fertilization between the Energy Department's work and the nuclear activities on behalf of our military and our defense.

We got this finished, and we made accommodation on the floor of the Senate with reference to the environment. Never was it intended that the semiautonomous agency would be immune from any environmental law. In fact, the first writing of this bill had a legal opinion that if you do not mention it, it is subject to all environmental laws.

We came to the floor and some Members on the other side, I think quite properly, said: Why don't you specifically mention that the new semiautonomous agency is subject to the environmental laws? We did that. In fact, it says:

> The administrator shall ensure that the administration complies with all applicable environmental, safety, health statutes, and substantive requirements. Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that compliance occurs.

Because we wrote it in, some quibble with the words that we used to write it in. Now they are saying: Are you sure you included everything? We thought we included everything by mentioning nothing; then we tried to include everything verbally and some said: You have to change the words because you really don't mean it.

There is nothing to indicate that we have exempted or immunized any of our environmental laws in this statute. They are totally applicable. It is just that the new administrator applies them to the nuclear weapons department separate and distinct from the rest of the activities of the Department of Energy—and it is high time, in my opinion.

There are some letters from attorneys general, and I just want to say I read some of them. I have no idea how they came to their conclusions. I will just cite one. The attorney general of Texas, in responding after he received an explanation of the bill from the distinguished chairman, Senator WARNER, wrote a letter saying:

> After reading your letter, I am satisfied that this legislation was neither intended to affect existing waivers of Federal sovereign immunity nor to exempt in any way the NSAA—

The new semiautonomous agency—

> from the same environmental laws and regulations applied before the reorganization.

For those attorneys general who are worried about Hanford out on the west coast—and it might be difficult for attorneys general in the States to be involved—let me remind them that facility does not even come under the jurisdiction of the new semiautonomous agency. It is not considered to be part of the current ongoing nuclear weapons activities.

In closing, I just want to make sure that my fellow Senators understand that some people working in the Department of Energy will say almost anything about us trying to reform it. Secretary Richardson is doing a good job for a department that is dysfunctional. He wakes up every week with something that has gone wrong.

We ought to start fixing it with the passage of this bill with a new semiautonomous agency in control. But there is a general that was hired named Habiger. He is the Secretary's czar for the Department right now. He went to the State of New Mexico and said—I am paraphrasing: I never involve myself in politics. Those are secret and private between me and my wife. However, in this case, I suggest that the creation of this semiautonomous agency is political.

I tried to find out who was playing politics. Was it the five-member commission that I just cited, headed by Warren Rudman, with one of the members, Dr. Sidney Drell, one of the most refined and articulate and knowledgeable people on this whole subject matter? Were they playing politics? Was the Senate playing politics when we got an overwhelming vote? What is the politics of it?

If you think the only way to preserve and maintain our nuclear weapons development and to maximize the opportunity for accountability and less opportunity for spying is to have a Secretary of Energy who runs that part of it, then you will not be happy. Because the truth of the matter is, the Secretary will be in charge overall, but there will be a single administrator in charge of this department in the future, with everything that has to do with nuclear, including its security; although in counterintelligence we have agreed with the administration, with the Secretary, and have permitted the counterintelligence to be in two places. There is a czar under the Secretary, and there will be somebody running the counterintelligence within the new semiautonomous agency.

I ask unanimous consent that the story in the Albuquerque Journal regarding the distinguished general, who I suggested knows nothing about the Department of Energy—he has been there 3 or 4 months, and maybe he ought to learn a little more about it before he goes to New Mexico and elsewhere and mouths off about the independent semiautonomous agency—be printed in the RECORD.

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

[From the Albuquerque Journal, Sept. 17, 1999]

SECURITY CHIEF PANS NEW NUKE AGENCY

(By Ian Hoffman)

The Security chief for the U.S. Department of Energy says legislation creating a new nuclear-weapons agency inside DOE is being driven by politics and could impair, rather than promote, tighter security at the nation's nuclear weapons labs.

Gen. Eugene Habiger, the new DOE security czar, acknowledges the Energy Department needs reform to fix ''organizational disarray'' and a longstanding lack of accountability.

But the latest version of a bill to create the new National Nuclear Security Administration actually will insulate the new weapons agency from oversight of security for nuclear secrets, he said.

''What you're doing is creating a bureaucracy within a bureaucracy that's going to perpetuate the problems of the past—lack of

focus on security, lack of awareness of security and lack of accountability,'' Habiger said Thursday at Sandia National Laboratories while presiding over hearings on proposed polygraph testing for weapons workers.

House lawmakers approved the new weapons agency Wednesday by voting overwhelmingly in favor of the 2000 Defense Authorization Bill. Congress has billed the new agency as a way to increase security and accountability in the wake of China's alleged theft of U.S. nuclear-warhead designs.

The new agency is largely the handiwork of Sen. Pete Domenici, R–N.M., but the original legislation underwent changes last month in a closed-door conference of select Senate and House members. Habiger sees some of the changes as dramatically reducing his authority to ensure security at the nuclear-weapons labs.

''I'm not political. Nobody knows my politics except my wife,'' said Habiger, former commander in chief over the U.S. Strategic Command. ''What's going on now—It's not about security. It's about politics.''

He declined to speculate on the political motivations in Congress behind the new agency.

Habiger's comments add to mounting criticism of the legislation, which is being promoted by its authors as the answer to lax security and poor accountability in the U.S. nuclear-weapons program.

The leading critics are states that host DOE facilities, environmental watchdog groups and Energy Secretary Bill Richardson.

The National Governors Association and the National Association of Attorneys General urged Congress earlier this month to reconsider the legislation as written. They were joined by 46 state attorneys general, including New Mexico's Patricia Madrid. They say the bill stands to harm the environment and the safety of workers and the public by curtailing or eliminating oversight by the states, as well as by the remainder of DOE itself.

The bill would package DOE weapons work into its own semi-autonomous agency, with its own internal security, environmental and safety apparatus. As such, the bill codifies a more independent and insulated version of DOE's Office of Defense Programs, a politically well-connected office renowned for its resistance to outside oversight of security, safety and environmental protection.

In separate letters to Congress, the governors' association and the attorneys general said the new agency would preserve the self-regulation of the nuclear weapons complex that has left a legacy of more than 10,000 contaminated sites. Cleanup or fencing off of those sites could take 75 years, at a DOE estimated cost of at least $147 billion.

''For over four decades, DOE and its predecessors operated with no external (and little internal) oversight of environment, safety and health,'' the attorneys general wrote. ''Over the past 12 years or so, the disastrous consequences of this self-regulation have become plain . . . Much of this land and water will never be cleaned up.''

To date, many of the nation's toughest environmental and safety laws and regulations still contain explicit exemptions for the U.S. nuclear-weapons complex, its wastes and worker safety.

Richardson forced the resignation in May of former Assistant Secretary for Defense Programs Vic Reis, partly for Reis' role in pressing lawmakers for the new agency and partly for his failure to attend to security at the weapons labs.

Habiger took Richardson's offer to become director of DOE's newly formed Office of Security and Emergency Operations on several conditions. Habiger insisted he work directly with Richardson and report solely to him. He also requested full control of the department's security apparatus and its entire $800 million security budget.

The new bill transfers emergency operations to the deputy administrator of the new weapons agency. And it provides the agency with its own security and counterintelligence authority and funding, Habiger said.

The changes threaten to roll back the tightened security measures that he and Richardson have taken in recent months, Habiger said.

''Unfortunately, the National Nuclear Security Administration Act would derail this progress,'' he said. ''The bill would negate the president's ability to hold the Secretary of Energy responsible for managing the nation's nuclear defense and production complex. It would strip the secretary's responsibility to determine and manage sensitive classified programs. And it would shield DOE's nuclear defense work from the rest of the department's regimens, insulating it from secretarial oversight, supervision and scrutiny. . . . To continue our work, we need expanded oversight at the nuclear labs, not the insulated system this bill proposes.''

Mr. DOMENICI. With that, I yield the floor and say I hope the Senate, by bipartisan, overwhelming majorities, passes this bill with this amendment on it, which is going to be good for America, good for nuclear weapons, and it will diminish the chances for spying and counterintelligence to work against our nuclear weapons in the secrets that are so imperative. Let's look back on this day and say we finally did something to move in the right direction.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have had the real privilege of working with Senator DOMENICI on this particular amendment from its inception. Together with Senators MURKOWSKI and KYL, we crafted this very carefully.

The original concept was adopted by the Senate in the consideration of the intelligence bill. We then incorporated it in our bill, and we worked it with the House. I will go into further details.

Throughout, Senator DOMENICI has been really the leader of this effort. The Senate owes Senator DOMENICI a deep debt of gratitude for his perseverance on this provision. I am sure that America will recognize that service because it is in the best interests of the country. It was not motivated by politics. It was crafted carefully on the report of our distinguished colleague, Senator Rudman, who, of course, is one of the principal advisors to the President on intelligence and other matters. He was selected by the President to do this report. So we thank you, I say to the Senator.

Last night, Senator DOMENICI took the initiative of going down to see the President. I was privileged to accompany him and join in that meeting. We were going to have a meeting for, I suppose, 20 minutes or so. The President had just arrived. He still had a little mud on his boots from visiting a flood area and was in his clothes from the trip, his casual clothes. He was preparing his address to the United Nations.

But he stopped to take the time to carefully evaluate the concern of the Senator from New Mexico, and a meeting of 20 minutes lasted well over an hour on this and other subjects. But primarily he has a grasp of the issues. He asked specific questions. And the Senator from New Mexico, together with his able staff member, Alex Flint, who was also there with us, responded.

The Senator from New Mexico talked to one question tonight. But I wanted to raise the second question and put it in the RECORD.

He will recall the concern he had about the split provision and where it was. I went back, researched, and found in our record a letter dated July 29 from Jacob Lew, Director of the Executive Office of the President, Office of Management and Budget. Mr. Lew wrote me the following:

I understand that Representative Spence has proposed an amendment for the FY 2000 defense authorization bill conference concerning the creation of a National Nuclear Security Administration at the Department of Energy. The Administration strongly opposes this language because it does not provide sufficient authority to the Secretary of Energy to assure proper policy development for, and oversight of, the new organization at the Department of Energy. The language jeopardizes the creation of sound counterintelligence, intelligence, and security efforts, and environmental, safety, and health compliance activities at the new organization. If this legislation were presented to the President, his senior advisors would recommend that it be vetoed.

We carefully tried to take into consideration Mr. Lew's concerns. We drafted that provision for that specific reason. So we were trying to follow the directions of the Director of Budget.

I ask unanimous consent that there be printed in the RECORD a short letter from me to the President thanking him for the meeting last night, containing a copy of this letter and explaining just how we arrived at that provision. But I think it would be helpful for the Record if the Senator from New Mexico were to expand on the President's question and the response of the Senator.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, September 21, 1999.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Thank you for meeting with Senator Domenici and me last night to discuss the Department of Energy (DOE) reorganization provisions in the National Defense Authorization Act for Fiscal Year 2000 Conference Report.

You expressed concern last night with the organization of counterintelligence functions within DOE and the National Nuclear Security Administration (NNSA). The provisions in the conference report were crafted in

response to a July 29, 1999, letter from Office of Management and Budget Director, Jacob Lew, which stated that the Administration would oppose language that does not ''ensure that the Secretary is provided sufficient authority to assure proper policy development for, and oversight of, the new organization . . .''. The letter identified ''counterintelligence, intelligence, security, and environment, safety and health compliance activities'' as the organizational areas of concern.

Chairman Spence and I took Director Lew's letter very seriously and modified the conference report specifically to address the concerns in his letter. We modified the conference report by establishing the Office of Counterintelligence, which would be responsible for establishing all counterintelligence policy for the Department and for integrating such policies across organizational lines. I would point out that the Senate-passed DOE reorganization framework placed all responsibility for counterintelligence in the National Nuclear Security Administration.

Mr. President, let me again convey the importance of the Defense Authorization Act to the men and women in uniform. The soldiers, sailors, airmen, marines, their families and veterans are aware of the increased benefits in the conference report and are looking to you to follow through on your promises to them. I strongly encourage you to sign the bill when it is sent to you.

Respectfully,

JOHN WARNER.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 29, 1999.

Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand that Representative Spence has proposed an amendment for the FY 2000 defense authorization bill conference concerning the creation of a National Nuclear Security Administration at the Department of Energy. The Administration strongly opposes this language because it does not provide sufficient authority to the Secretary of Energy to assure proper policy development for, and oversight of, the new organization at the Department of Energy. The language jeopardizes the creation of sound counterintelligence, intelligence, and security efforts, and environmental, safety, and health compliance activities at the new organization. If this legislation were presented to the President, his senior advisors would recommend that it be vetoed.

Sincerely,

JACOB J. LEW, DIRECTOR.

Mr. DOMENICI. Mr. President, I will not take much time because there are so many people who want to speak to this bill and its many other ramifications.

My assessment was that the President was concerned about the environmental provisions. We went through it very carefully. I believe the President was satisfied that what we had done was intended to keep this semi-autonomous agency totally within the purview of every environmental law of this land.

The second issue, obviously, had to do with counterintelligence because the Department under Bill Richardson had gone to a great deal of effort to create a policymaking mechanism for counterintelligence and had appointed somebody to be in charge of it. The amendment in its original form did not account for that. It put all of the counterintelligence within the new, semi-autonomous agency.

That issue was raised with Chairman Rudman as he testified, and, as the distinguished chairman of the full committee indicates, it was raised to the committee by Mr. Lew from the OMB. Perhaps the good point was made. I think it could have gone either way. But I am certain that everybody involved in security will say it is all right the way it is.

Secretary Richardson made the point that there are some counterintelligence issues that are broader and apply in different places within the Department than just in the nuclear weapons part. You shouldn't have two kinds of policies developed on counterintelligence. So we said the policy will be developed in the Office of the Secretary and it will be implemented and carried out in toto for the nuclear part by the semiautonomous agency, and the Assistant Secretary, or administrator—whichever we choose to call him—implements this provision.

I believe those are the most important issues of which we spoke.

I think the President clearly understood that you could manage a nuclear weapons system without a Secretary of Energy. You could do it similar to NASA, with perhaps a board of directors, and he even commented that certainly would not be illegal. But the point is, we want to leave it in the Department. But when you leave it there, you have to make it somewhat autonomous or you haven't changed anything. I think by the time we were finished that was well understood.

I believe we have a good bill with reference to reforming this Department. I think within a couple of years you will see security in a much better shape. I think you will see ''accountability'' as a word of which you will not only speak but you will know who is accurate. And it is high time, in my opinion.

I thank the distinguished Senator, Mr. WARNER, for involving me again here tonight.

I think I have said enough. I yield the floor. I hope the Senate passes this tomorrow overwhelmingly.

Mr. WARNER. Mr. President, I thought it very important and as a courtesy to the President that this be a part of the legislative history of this bill. Senator DOMENICI has given an excellent explanation.

So this part of the RECORD contains all the information that is pertinent, I ask unanimous consent that my letter to the attorneys general, to which our distinguished colleague, Mr. DOMENICI, referred, likewise be printed in the RECORD so that those studying this issue will have in one place all of the pertinent material.

I thank the Senator.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, September 14, 1999.

Hon. MICHAEL O. LEAVITT,
Chairman, National Governors' Association Hall of States,
Washington, DC.

Hon. CHRISTINE O. GREGOIRE,
President, National Association of Attorneys General,
Washington, DC.

DEAR GOVERNOR AND MADAM ATTORNEY GENERAL: We are aware that concerns have been raised regarding the impact of Title XXXII of S. 1059, the conference report for the National Defense Authorization Act (NDAA) for fiscal year 2000, on the safe operation and cleanup of Department of Energy (DOE) nuclear weapons sites. Title XXXII provides for the reorganization of the DOE to strengthen its national security function, as recommended by the House of Representatives, the Senate, and the President's Foreign Intelligence Advisory Board (PFIAB). In so doing, the NDAA would establish the National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department.

However, as the purpose of this effort was focused on enhancing national security and strengthening operational management of the Department's nuclear weapons production function, the conferees recognized the need to carefully avoid statutory modifications that could inadvertently result in changes or challenges to the existing environmental cleanup efforts. As such, Title XXXII does not amend existing environmental, safety and health laws or regulations and is in no way intended to limit the states' established regulatory roles pertaining to DOE operations and ongoing cleanup activities. In fact, Title XXXII contains a number of provisions specifically crafted to clearly establish this principle in statute.

NNSA COMPLIANCE WITH EXISTING ENVIRONMENTAL REGULATIONS, ORDER, AGREEMENTS, PERMITS, COURT ORDERS, OR NON-SUBSTANTIVE REQUIREMENTS

Concern has been expressed that Title XXXII could result in the exemption of the NNSA from compliance with existing environmental regulations, orders, agreements, permits, court orders, or non-substantive requirements. We believe these concerns to be unfounded. First, Section 3261 expressly requires that the newly created NNSA comply with all applicable environmental, safety and health laws and substantive requirements. The NNSA Administrator must develop procedures for meeting these requirements at sites covered by the NNSA, and the Secretary of Energy must ensure that compliance with these important requirements is accomplished. As such, the provision would not supersede, diminish or otherwise impact existing authorities granted to the states or the Environmental Protection Agency to monitor and enforce cleanup at DOE sites.

The clear intent of Title XXXII is to require that the NNSA comply with the same environmental laws and regulations to the same extent as before the reorganization. This intent is evidenced by Section 3296, which provides that all applicable provisions of law and regulations (including those relating to environment, safety and health) in effect prior to the effective date of Title XXXII remain in force ''unless otherwise provided in this title.'' However, nowhere in Title XXXII is there language which provides or implies that any environmental law, or regulation promulgated thereunder, is either limited or superseded. Therefore, we clearly intend that all existing regulations, orders, agreements, permits, court orders, or non-substantive requirements that presently

apply to the programs in question, continue to apply subsequent to the enactment and effective date of Title XXXII.

Concern has also been expressed that the creation of the NNSA would somehow narrow or supersede existing waivers of sovereign immunity or agreements DOE has signed with the states. Title XXXII merely directs the reorganization of a government agency and does not amend any existing provision of law granting sovereign immunity or modify established legal precedent interpreting the applicability or breadth of such waivers of sovereign immunity. The intent of this legislation is not to in any way supersede, diminish or set aside existing waivers of sovereign immunity.

NNSA RESPONSIBILITY FOR ENVIRONMENT, SAFETY AND HEALTH AND OVERSIGHT BY THE OFFICE OF ENVIRONMENT, SAFETY AND HEALTH

Concern has been expressed that the NNSA would be sheltered from internal oversight by the Office of Environment, Safety and Health. In keeping with the semi-autonomous nature of the proposed NNSA, the legislation establishes new relationships between the new NNSA and the existing DOE secretariat. Principally, it vests the responsibility for policy formulation for all activities of the NNSA with the Secretary and devolves execution responsibilities to the NNSA Administrator. However, there is clear recognition of the need for the Secretary to maintain adequate authority and staff support to discharge the policy making responsibilities and conduct associated oversight. For instance, Section 3203 establishes a new Section 213 in the Department of Energy Organization Act which provides that:

''(b) The Secretary may direct officials of the Department who are not within the National Nuclear Security Administration to review the programs and activities of the Administration and to make recommendations to the Secretary regarding administration of those programs and activities, including consistency with other similar programs and activities of the Department.

(c) The Secretary shall have adequate staff to support the Secretary in carrying out the Secretary's responsibilities under this section.''

While some maintain that both of these provisions are redundant restatements of the Secretary's inherent authority as chief executive of his department, we recognized the importance of being abundantly clear on this point, particularly as it pertained to environmental, safety and health matters. Therefore, we fully expect that the Secretary will continue to rely on the Office of Environment, Safety and Health or any future successor entity to support his policy making and oversight obligations under the law.

To further clarify this point, the conferees also included a provision in Section 3261(c) that states that ''Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that such compliance occurs.'' This provision makes reference to the requirement that the NNSA Administrator ensure compliance with ''all applicable environmental, safety and health statutes and substantive requirements.'' Once again, the conferees intended this further language to make it abundantly clear that the Secretary retains the authority to assign environmental compliance oversight to the Office of Environment, Safety and Health to support his responsibilities in this area.

Finally, concern has also been raised over the interpretation of the assignment of environment safety and health operations to the NNSA Administrator by Section 3212. This provision establishes the scope of functional responsibilities assigned to the NNSA Administrator and is not intended to, and does not, supersede the assignment of primacy for policy formulation responsibility to the Secretary of Energy for environment, safety and health or any other function.

EFFECT OF SECTION 3213 ON OVERSIGHT BY THE OFFICE OF ENVIRONMENT, SAFETY AND HEALTH

Concern has also been raised that Section 3213 could be interpreted in a manner that would preclude oversight by the Office of Environment, Safety and Health. Section 3213 deals exclusively with the question of who within the Department of Energy holds direct authority, direction and control of NNSA employees and contractor personnel. As such, this provision establishes the operational and implementation chain of command in keeping with the organizing principle of the legislation to vest execution authority and responsibility within the NNSA. However, neither this principle nor Section 3213 would in any way preclude the Secretary from continuing to rely on the Office on Environment, Safety and Health for providing him with oversight support for any program or activity of the NNSA.

NNSA RESPONSIBILITY FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

Concern has also been raised that Title XXXII somehow would extend to the NNSA responsibility for environmental restoration and waste management. We consider this concern to be unfounded and inaccurate. Contrary to some interpretations, Section 3291(c) grants no authority to the Secretary to move additional functions into the NNSA. Rather, Section 3291(c) recognizes the possibility that some future activity may present the need to migrate a particular facility, program or activity out of the NNSA should it evolve principally into an environmental cleanup activity. Therefore, this provision would allow such activity only to be transferred out of the NNSA.

Further, contrary to some expressed concerns, Title XXXII would not permit control of ongoing cleanup activities being carried out by the Office of Environmental Management to be assumed or inherited by the NNSA, thus ensuring that DOE's environmental responsibilities will not be overshadowed by production requirements. Finally, as previously noted, Section 3212, which assigns the functional responsibilities of the NNSA Administrator, is not intended to, and does not, establish responsibility to the NNSA Administrator for environmental restoration and waste management.

OVERSIGHT ROLE OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Concern has been raised that the external oversight role of the Defense Nuclear Facilities Safety Board (DNFSB) will be impaired by the conference report language. This concern is without merit, since Title XXXII makes no change to the existing authority or role of the DNFSB. While there was some discussion during the conference of possibly expanding the role of the DNFSB to enhance external environmental and health oversight, this proposal was eventually dropped resulting in no change to the existing authority of the DNFSB.

We firmly believe that this legislation will result in much needed reforms to better protect the most sensitive national security at our nuclear weapons research and production facilities and to correct associated longstanding organizational and management problems within DOE. However, we agree that these objectives should not weaken or undermine the continuing effort to ensure adequate safeguards for environmental, safety and health aspects of affected programs and facilities. More specifically, we believe that these objectives can be met without in any way limiting the established role of the states in ongoing cleanup activities. This legislation is fully consistent with our continuing commitment to the aggressive cleanup of contaminated DOE sites and protecting the safety and health of both site personnel and the public at large.

We appreciate your willingness to share your concerns with us and hope that this response will address them in keeping with our mutual objectives. In this regard, we look forward to continuing to work closely with you and your associations to ensure that this legislation is implemented in a manner that is consistent with the principles stated above and strikes the intended careful balance between national security and environmental, safety and health concerns.

Sincerely,

FLOYD D. SPENCE,
Chairman, House Armed Services Committee.

JOHN WARNER,
Chairman, Senate Armed Services Committee.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL,
Washington, DC, September 3, 1999.

Re Department of Energy Reorganization.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate, Washington, DC.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

Hon. RICHARD GEPHARDT,
Minority Leader, U.S. House of Representatives, Washington, DC.

DEAR SENATORS LOTT AND DASCHLE; AND REPRESENTATIVES HASTERT AND GEPHARDT: We write to express our serious concerns with certain provisions of the Department of Defense (''DOD''.) Authorization bill as reported by the House/Senate conference committee on August 4, 1999. Title XXXII of the bill would create a new, semi-autonomous entity within the Department of Energy (''DOE'') called the National Nuclear Security Administration (''NNSA''). We recognize the need to ensure national security at DOE, and acknowledge the strong Congressional interest in restructuring DOE to address these concerns. However, any such restructuring must not subordinate the states' legitimate environment, safety, and health concerns to weapons production and development. We fear that the proposed bill will have this unintended consequence. We urge you to oppose those provisions of Title XXXII that would weaken the existing internal and external oversight structure for DOE's environmental, safety and health operations.

For over four decades, DOE and its predecessors operated with no external (and little internal) oversight of environment, safety and health. Over the past twelve years or so, the disastrous consequences of this self-regulation have become plain. DOE now oversees the largest environmental cleanup program in the world. DOE has contaminated thousands of acres of land, and billions of gallons of groundwater. Much of this land and water will never be cleaned up. Instead, states and the federal government will have to ensure these contaminated areas remain isolated or contained for hundreds or thousands of years. Achieving even this sad legacy will cost $147 billion, according to DOE's most recent estimates. As recent revelations about

worker health and safety at DOE's Paducah, Kentucky, plant further demonstrate, we should not return to the era of self-regulation.

Congress and President Bush responded to these concerns in 1992 by passing the Federal Facility Compliance Act, which clarified that states have regulatory authority over DOE's hazardous waste management and cleanup. DOE also made internal reforms. It created an internal oversight entity in the Office of Environment, Safety, and Health. It also created the Office of Environmental Management, whose mission is to safely manage DOE's wastes, surplus facilities, and to remediate its environmental contamination.

Title XXXII of the Defense Authorization bill would undercut each of these reforms. It would impair State regulatory authority, eliminate DOE's internal oversight of environment, safety and health, and transfer responsibility for waste management and environmental restoration to the entity responsible for weapons production and development. The following provisions of the bill are particularly troubling:

Under well-established Supreme Court jurisprudence, section 3261 could be interpreted as a very narrow waiver of sovereign immunity, leaving the NNSA exempt from state environmental regulations, permits, orders, penalties, agreements, and ''non-substantive requirements.''

Sections 3212(b)(8) and (9) make the NNSA responsible for environment, safety and health operations, and section 3291(c) clarifies that this includes environmental restoration and waste management. Under this arrangement, environmental concerns would likely take a back seat to production.

Together, sections 3202, 3213(a) and 3213(b) provide that the NNSA's employees and contractors would not be subject to oversight by the Office of Environment, Safety, and Health.

Section 3296, intended as a savings clause, will not preserve application of existing laws and regulations because of the introductory phrase ''unless otherwise provided in this title.''

Against these provisions, section 3211's unenforceable exhortation that the Administrator shall ensure the NNSA's operations are carried out ''consistent with the principles of protecting the environment and safeguarding the safety and health of the public and of the workforce'' is of little comfort.

Enhancing national security does not have to be inconsistent with protecting environment, safety, and health. But as set forth in Title XXXII, it is. Unfortunately, there have been no hearings where states could comment on the language of this bill. The provisions we are concerned about surfaced in the conference committee. We urge you to oppose the DOE reorganization provision, Title XXXII, as proposed in the Defense Reauthorization bill. If Congress believes that reorganization is necessary to resolve security issues at DOE, such changes should be accomplished through the regular legislative process, with hearings that provide an opportunity for states and others who are concerned about the environmental, safety and health consequences to have their views heard before a final vote.

Sincerely,

Christine O. Gregoire, Attorney General of Washington, President, NAAG.
Carla J. Stovall, Attorney General of Kansas, Vice President, NAAG.
Ken Salazar, Attorney General of Colorado.
Andrew Ketterer, Attorney General of Maine, President-Elect, NAAG.
Mike Moore, Attorney General of Mississippi, Immediate Past President, NAAG.
Bruce M. Botelho, Attorney General of Alaska.
Mark Pryor, Attorney General of Arkansas.
Richard Blumenthal, Attorney General of Connecticut.
Robert A. Butterworth, Attorney General of Florida.
John Tarantino, Acting Attorney General of Guam.
Janet Napolitano, Attorney General of Arizona.
Bill Lockyer, Attorney General of California.
M. Jane Brady, Attorney General of Delaware.
Thurbert E. Baker, Attorney General of Georgia.
Earl Anzai, Attorney General Designate of Hawaii.
Alan G. Lance, Attorney General of Idaho.
Jeffrey A. Modisett, Attorney General of Indiana.
A.B. ''Ben'' Chandler III, Attorney General of Kentucky.
Tom Reilly, Attorney General of Massachusetts.
Mike Hatch, Attorney General of Minnesota.
Jim Ryan, Attorney General of Illinois.
Tom Miller, Attorney General of Iowa.
J. Joseph Curran, Jr., Attorney General of Maryland.
Jennifer Granholm, Attorney General of Michigan.
Jeremiah W. Nixon, Attorney General of Missouri.
Joseph P. Mazurek, Attorney General of Montana.
Philip T. McLaughlin, Attorney General of New Hampshire.
Patricia Madrid, Attorney General of New Mexico.
Michael F. Easley, Attorney General of North Carolina.
Maya B. Kara, Acting Attorney General of the Northern Mariana Islands.
Frankie Sue Del Papa, Attorney General of Nevada.
John F. Farmer Jr., Attorney General of New Jersey.
Eliot Spitzer, Attorney General of New York.
Heidi Heitkamp, Attorney General of North Dakota.
Betty D. Montgomery, Attorney General of Ohio.
W.A. Drew Edmondson, Attorney General of Oklahoma.
D. Michael Fisher, Attorney General of Pennsylvania.
Paul Summers, Attorney General of Tennessee.
Jan Graham, Attorney General of Utah.
Hardy Myers, Attorney Myers, Attorney General of Oregon.
José A. Fuentes-Agostini, Attorney General of Puerto Rico.
John Cornyn, Attorney General of Texas.
William H. Sorrell, Attorney General of Vermont.
Darrell V. McGraw, Jr., Attorney General of West Virginia.
Gay Woodhouse, Attorney General of Wyoming.
James E. Doyle, Attorney General of Wisconsin.

Mr. DOMENICI. Mr. President, I want to say for the RECORD that there are so many people who have worked hard on this legislation. I don't want the RECORD to even imply that I was more responsible than others. Maybe I worked earlier than some. But Senator KYL worked very hard. Senator MURKOWSKI conducted some marvelous hearings on the subject. Both the chairman and ranking member of the Committee on Intelligence were greatly involved and, in fact, participated in helping us with this and supported it wholeheartedly.

The Senators on the floor from the Armed Services Committee, Senator BINGAMAN and Senator LEVIN, contributed to some positive things on the floor that were changed as a result of their concerns. I think altogether we have a bill that will work.

Mr. WARNER. Mr. President, again I thank Senator DOMENICI.

The RECORD should reflect the valuable contributions by the staff members who worked on this amendment: Alex Flint of Senator DOMENICI's staff, John Roos of Senator KYL's staff, Howard Useem of Senator MURKOWSKI's staff, and Paul Longsworth of my staff, and the Armed Services Committee staff.

PRIVILEGES OF THE FLOOR

Mr. WARNER. I ask unanimous consent Clint Crosier, a fellow from Senator SMITH's office, be granted floor privileges during the DOD authorization debate.

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

Mr. WARNER. I also ask unanimous consent that staff members of the Committee on Armed Services on the list I send to the desk be extended privileges of the floor during consideration of this conference report.

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

The list is as follows:

ARMED SERVICES COMMITTEE STAFF

Romie L. Brownlee, Staff Director.
David S. Lyles, Staff Director for the Minority.
Charles S. Abell, Professional Staff Member.
Judith A. Ansley, Deputy Staff Director.
John R. Barnes, Professional Staff Member.
Christine E. Cowart, Special Assistant.
Daniel J. Cox, Jr., Professional Staff Member.
Madelyn R. Creedon, Minority Counsel.
Richard D. DeBobes, Minority Counsel.
Marie Fabrizio Dickinson, Chief Clerk.
Kristin A. Dowley, Staff Assistant.
Edward H. Edens IV, Professional Staff Member.
Shawn H. Edwards, Staff Assistant.
Pamela L. Farrell, Professional Staff Member.
Richard W. Fieldhouse, Professional Staff Member.
Mickie Jan Gordon, Staff Assistant.
Creighton Greene, Professional Staff Member.
William C. Greenwalt, Professional Staff Member.
Joan V. Grimson, Counsel.
Gary M. Hall, Professional Staff Member.
Shekinah Z. Hill, Staff Assistant.
Larry J. Hoag, Printing and Documents Clerk.
Andrew W. Johnson, Professional Staff Member.
Lawrence J. Lanzillotta, Professional Staff Member.

George W. Lauffer, Professional Staff Member.
Gerald J. Leeling, Minority Counsel.
Peter K. Levine, Minority Counsel.
Paul M. Longsworth, Professional Staff Member.
Thomas L. MacKenzie, Professional Staff Member.
Michael J. McCord, Professional Staff Member.
Ann M. Mittermeyer, Assistant Counsel.
Thomas C. Moore, Staff Assistant.
David P. Nunley, Staff Assistant.
Cindy Pearson, Security Manager.
Sharen E. Reaves, Staff Assistant.
Anita H. Rouse, Deputy Chief Clerk.
Joseph T. Sixeas, Professional Staff Member.
Cord A. Sterling, Professional Staff Member.
Madeline N. Stewart, Receptionist.
Scott W. Stucky, General Counsel.
Eric H. Thoemmes, Professional Staff Member.
Michele A. Traficante, Staff Assistant.
Roslyne D. Turner, Systems Administrator.

Mr. WARNER. Mr. President, this evening we consider the conference report to accompany S. 1059, the National Defense Authorization Act for fiscal year 2000.

I am pleased to report for the first time in 15 years—I want to repeat that and let it sink in, 15 years—the defense budget before the Senate represents a real increase above the normal allowance we make for inflation. This is above inflation for defense spending.

I rejoice in that as all members of our committee do. I am hopeful that all Members of the Senate, likewise, do. We authorize $288.8 billion in defense funding for next year, which is $8.3 billion above the President's budget request, and a 4.4-percent real increase in spending from last year.

I acknowledge the roles particularly of the Members of the Joint Chiefs of Staff who appeared before the Armed Services Committee on two occasions. We have a longstanding tradition in our committee that when these individuals are confirmed before our committee, we obtain from them a commitment that at any time the committee desires to receive their personal, professional, military opinion on matters, and those issues could be contrary to the policies of the administration which they proudly serve, they will be received.

These individuals testified to the needs of their respective services which were over and above the dollar figures, the budget allocations set by OMB and, indeed, the administration. That gave the foundation of evidence that enabled Members, first in committee, and then before this body, in passing the bill to get the increased sums I have just referenced—$8.3 billion above the President's budget request.

The President himself this year took an initiative to get additional defense spending. To the credit of our former colleague, Senator Cohen, he, likewise, was very supportive of the President and took the initiative that led to the President increasing the defense budget. However, our committee was of the opinion, again, based largely on the testimony of the Joint Chiefs, that we needed dollars above the President's figure and we obtained them.

First, a quick review of the precarious international situation. Remember, much of the budget consideration started with the problems in Bosnia, the problems with reference to Kosovo. All during that timeframe, the committee was holding hearings and working on its budgets. Most recently, the crisis in East Timor. Incidentally, in consultation with the President, I indicated I supported the action of sending U.S. troops as a part of the security force under the U.S. auspices to save the people of East Timor.

But I mention this is a very troubled world. It is a far different one than when I first came to the Senate 21 years ago, when it was a bipolar world dominated by the Soviet Union, at that time, and the United States as the two superpowers. We didn't realize the degree of stability we had during that period of the two superpowers in a bipolar world, but we appreciate it in today's world where we see so many ethnic, religious, and racial tensions which have now come to the forefront and have exploded into strife in various areas of the world. Russia evolved from that sort of crisis. But it does not remain, of course, as a superpower.

Many nations, therefore, and the United Nations, have turned to the United States as the sole remaining superpower to solve new types of conflicts and tensions around the world. We are called upon to be—to use a phrase which I dislike, but it is well ingrained in the media—the world's policeman. We are not the world's policeman. Our President—in my judgment too many times, but nevertheless by and large I have supported him on most of the occasions, such as East Timor—has directed our Armed Forces beyond our shores more times than any President in the history of the United States of America. All this to say that is justification for the additional defense spending, justification for the very significant sum of money embraced in this bill.

It is fascinating to pause and go back and examine just what has transpired in a very brief period of time in our history. We face and bear these new developments with a force that is overstretched around the world and operating on a shoestring. Over the past decade, our military manpower has been reduced by one-third, from 2.2 million men and women in uniform to now 1.4 million in uniform. At the same time, during that decade, those very young, magnificently trained, dedicated, committed young men and women were involved in 50 military operations worldwide. At the same time that we came down in force structure, up rose the number of occasions in which the Commander in Chief—successively, three Commanders in Chief—have deployed them throughout the world.

By comparison, let's look at another chapter of history. From the end of the war in Vietnam, 1975, until 1989, U.S. military forces were engaged in only 20 military operations. What a sharp contrast, and it is reflected by the ever-increasing threat from weapons of mass destruction; that is, weapons composed of fissile material, biological material, and chemical materials.

All of the ethnic and religious and racial tensions that are breaking out all over the world—that is the reason the President has had to send for our troops to meet these crises, but troops which are diminishing overall in numbers. It is critical the funding and the authorities contained in this conference report be quickly enacted into law so we can send a very clear message—we, the Congress of the United States—send a very clear message to our troops: We are behind you. We recognize that you are stretched. We recognize the hardships on your families. We recognize the risks you are taking. And we, the Congress, have responded by increasing the defense budget, by increasing the money for your salaries, increasing the money so that your salaries can begin to move up—and I carefully say move up—towards salaries commensurate with those in the private sector.

A sergeant in our military today with, say, 4 or 5 years of service and training in a specialty can command a much higher salary in the private sector. How well we know that because they are not staying. Our retention of those well-trained people is at levels below the needs of the military. That is why, sergeant, we are raising your salary. That is why, captain, major, we are raising your salary. Because we know you are at that juncture in your career where you have to make a decision for yourself—and your family, in most cases—as to whether to stay at this current salary or go into the private sector where you can get a 10, 15, 20, 30, 100 percent increase in salary. We recognize your commitment to your country, your selflessness to serve your Nation, and joined with your family, we give you this recognition in this bill of a very significant pay raise, together with certain retirement benefits which more nearly meet your long-term projected goals.

This is personnel reform. I thank Senator LOTT, who initiated correspondence with the President of the United States just as soon as this session of the Congress began and pointed out to the President the need for certain personnel reforms. In weeks thereafter, he was joined by other Senators—Mr. MCCAIN, Mr. ROBERTS—and the committee, in every respect that we could, followed the goals those three individuals laid down in devising this pay and benefits and retirement bill.

The result of this conference report is to aggressively close the gap between military and private sector wages by providing a 4.8-percent pay

raise and ensuring military personnel will be compensated more equitably. We did not get it all the way up to where they can draw a line equal to the private sector, but we came a long way.

The military retirement system will be reformed by providing military personnel with a choice. They will be allowed to choose to revert to the previous military retirement system or accept a $30,000 bonus and remain under the Redux system. This may not be clear to all those who are not familiar with it, but I assure you this retirement system was derived by our committee and legislated by the Senate as a whole and adopted by the conference after the closest consultation with the senior uniformed personnel, as well as all grades and ranks, to make sure we got it right this time. I am pleased to give my colleagues that assurance. We did get it right.

Military members will also be given the opportunity to participate in the Federal Thrift Savings Program; again, an incentive for them to remain in the military.

During the course of our review, the committee found the single most frequent reason departing service members cite is that of family separation, occasioned most often by the back-to-back deployments of the uniformed member who has family, be it a male or a female, to the various parts of the world to meet the requirements of 50 deployments in this past decade. That puts a strain on families. For us, those who have the relative enjoyment of being with our families at all times, it is hard to understand. You are given orders: In 72 hours you are going to be aboard that plane or that ship and you have to leave your family and go abroad for, most often, an indefinite period of time.

Let every young wife and let every child put themselves in the place of a military family where your father, or, indeed, your mother as the case may be, comes home and says: My orders read I must leave in 72 hours and I am not sure when I will be back. That is a tough lifestyle. But these young people are accepting it. I hope as a consequence of this bill, greater numbers will elect to retain their current positions and continue to advance and serve this country in their expertise.

In addition to enhancing the quality of life for military personnel, this bill focuses on providing our Armed Forces the tools they need to meet their commitments worldwide. For example, this year the bill provides for $1.5 billion increased funding above the President's request for military readiness. This includes an additional $939 million to reduce equipment and infrastructure maintenance backlogs, $179 million for ammunition, and $112 million for service training centers.

The conference report also stresses the problem of aging infrastructure by fully funding $8.5 billion in military construction projects, which is $3 billion above the administration's request. Much of this additional funding is targeted for housing and other projects that will enhance the quality of life of the men and women in the Armed Forces—just really meeting the basic requirements for a standard and a quality of life that they have earned many times over.

The conference report also contains additional information about the modernization and specific provisions covering modernization and research and development funding to provide the requirement capabilities for the future. We try to look out a decade. What are the likely adversaries we will have 10 years from now, and what will be their military capabilities in terms of hardware? What is it the United States needs, to begin now or to continue research and development on, so as to meet those threats 10 years out and meet and exceed the capabilities of the military equipment likely to be in the possession of our adversaries a decade hence.

The F–22 is a clear example of that. Senator STEVENS, with whom I was consulting earlier this evening, is doing the very best he can to restructure, with the House of Representatives, that program so we can continue to develop that vital aircraft. I say vital because this Nation has adopted so many, if not all, of its military plans for combating an enemy on the concept of air superiority.

We have had air superiority since the Korean war, in which I played a very modest role as a communications officer in the First Marine Air Wing. That was the last war—in Korea—in which we lost airmen as a consequence of aerial combat. Our distinguished colleague, Senator Glenn, who retired last year, was very much involved in that. That is the last time we experienced a threat in air-to-air combat from military aircraft of any great significance.

There has been an isolated case here and there. I know at one point in time several planes took off during the Kosovo operation, but they were quickly knocked down and sent back to their bases. The same thing happens in Iraq today. Periodically, Saddam Hussein sends them up. They make a U-turn and scatter back home very quickly. Again, the reason they scatter back home quickly is the reason Milosevic was unsuccessful in his aircraft: Because we have air superiority. That is in air-to-air.

Where we must stay abreast in air superiority is in what we call ground-to-air missiles. That is an entirely different threat and one that, every day that goes by, other nations are getting capability to shoot from the ground into the air, at almost all the altitudes at which our aircraft operate, very dangerous missiles to knock down our aircraft. It is for that reason we have to have the F–22 and other modern aircraft which provide for our men to maintain air superiority.

The bill authorizes $55.7 billion in procurement funding, $2.7 billion more than the President's request, and $36.3 billion in research and development spending, $1.9 billion more than the President's request. In considering where to add money, the conferees focused on those items contained in the service chiefs' list of critical unfunded requirements.

We did not just go straying off. We said to the chiefs: We recognize the President set a budget target within which you had to do your budgeting; but in the event the coequal branch of our Government—the legislative branch, the Congress—comes along and makes a determination that more money should be added to this budget, then where, in your professional judgment, should that money be added: In the Department of the Army? The Department of the Navy? The Department of the Air Force? That is what we used as guidance in adding moneys over and above the President's request to specific programs.

Our Nation is facing very real threats from the proliferation of weapons of mass destruction, international terrorism, information warfare, and drug trafficking. These are the dangerous threats that keep our Nation's leaders up at night and that require substantial investments to counter. To meet these challenges, the Emerging Threats Subcommittee—under the superb leadership of Senator ROBERTS—pursued a number of initiatives that were adopted by the conference including authorizing 17 new National Guard RAID Teams to respond to terrorist attacks in the United States; initiating better oversight of DOD's program to combat terrorism; and establishing an Information Assurance Initiative to strengthen DOD's information security program.

Now let me discuss the provisions in the bill that would reorganize the national security functions of the Department of Energy. A degree of controversy has arisen over these provisions and I wish to outline for my colleagues what the conference report does and, specifically, what it does not do.

The conference report includes a subtitle that would restructure the Department of Energy by consolidating all of its national security functions under a single, semi-autonomous agency within DOE, known as the National Nuclear Security Administration. This action represents the first significant reorganization of DOE in over 20 years and is in direct agreement with the June 1999 recommendation from the President's Foreign Intelligence Advisory Board, which called for the creation of ''a new semiautonomous Agency * * * whose Director will report directly to the Secretary of Energy.''

There have been countless other reports that have questioned the management structure of the Department. But by far, the President's own Foreign Intelligence Advisory Board had the most damming assessment. This report

states that ''the Department of Energy, when faced with a profound public responsibility, has failed.'' The report goes on to say that ''the Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself''.

It has been asserted that the conference report could diminish the role of the States in DOE cleanup actions and blur the authority of the Secretary of Energy to manage the national security function of the Department. Let me state clearly that each of these accusations are wholly untrue.

Language to maintain environmental protection was included that is identical to the language in the amendment offered by Senators LEVIN, BINGAMAN, and others in the Senate. This amendment was included in the DOE reorganization provision which overwhelmingly passed the Senate by a vote of 96–1 as part of the Intelligence Authorization Act. This vote on a very similar reform package as contained in the conference agreement demonstrated the clear intent of Congress that the current management structure at the Department was broken and was in need of reform.

With regard to the authority of the Secretary of Energy, the conferees were very careful and could not have been clearer in retaining the authorities of the Secretary necessary to manage, direct, and oversee the activities of the new Administration. I and most of the other conferees believe this new DOE organizational framework will dramatically streamline the management of our Nation's nuclear weapons labs, establish clear accountability, and ensure full compliance with the Secretary of Energy's direction and all applicable environmental laws.

Energy Secretary Bill Richardson, however, has indicated that this new organizational framework would make it ''impossible for any Secretary of Energy to run the Department.'' Let me say, with all due respect to my good friend Mr. Richardson, I disagree. I was a Secretary of a military department and know what is required to make an organization work. I believe that the organizational structure that is created in this conference report could be successfully managed by a strong Secretary of Energy—and he should step up to this challenge.

In conclusion, I want to thank all the members and staff of the conference committee for their hard work and cooperation. This bill sends a strong signal to our men and women in uniform and their families that Congress fully supports them as they perform their missions around the world with professionalism and dedication. Many organizations including The Military Coalition and The National Military and Veterans Alliance, two consortiums of nationally prominent military and veterans organizations representing millions of current and former members of the uniformed services, their families and survivors, strongly endorse enactment of this bill.

I am confident that enactment of this bill will enhance the quality of life for our service men and women and their families, strengthen the modernization and readiness of our forces and begin to address newly emerging threats to our security. I urge my colleagues to adopt the recommendations of the conference committee.

I ask unanimous consent that letters from supporting organizations and a list of the staff members of the Armed Services Committee be printed in the RECORD.

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

THE MILITARY COALITION,
201 NORTH WASHINGTON STREET,
Alexandria, Va, September 15, 1999.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Military Coalition, a consortium of nationally prominent veterans organizations representing more than five million members of the uniformed services plus their family members and survivors, is grateful to you and the Armed Service Committee for your leadership in crafting the FY 2000 National Defense Authorization Act. The Coalition strongly supports enactment of S. 1059.

S. 1059 contains numerous initiatives to improve retention and the quality of life of members of the uniformed services and their families, including pay raises and enhancements in the post-1986 retirement system—both imperative to reverse the serious degradation in personal readiness the services are now experiencing. In addition, it addresses recruiting shortfalls, spare parts shortages, training accounts and deteriorating infrastructure.

Favorable floor action on the pay, retirement and quality of life initiatives in S. 1059 will send a powerful signal to the men and women in the uniformed services and their families that this Nation fully appreciates the sacrifices they are making and recognizes the vital role they play in ensuring a strong national defense.

The Military Coalition has urged every members of the Senate to vote in favor of this important legislation when if comes to the floor.

Sincerely,

THE MILITARY COALITION.

Air Force Association.
Air Force Sergeants Association.
Army Aviation Assn. of America.
Assn. of Military Surgeons of the United States.
Assn. of the US Army.
Commissioned Officers Assn. of the US Public Health Service, Inc.
CWO & WO Assn. US Coast Guard.
Enlisted Association of the National Guard of the US.
Fleet Reserve Assn.
Gold Star Wives of America, Inc.
Jewish War Veterans of the USA.
Marine Corps League.
Marine Corps Reserve Officers Assn.
Mililary Order of the Purple Heart.
National Guard Assn. of the US.
National Military Family Assn.
National Order of Battlefield Commissions.
Naval Enlisted Reserve Assn.
Naval Reserve Assn.
Navy League of the US.
Reserve Officers Assn.
Society of Medical Consultants to the Armed Forces.
The Military Chaplains Assn. of the USA.
The Retired Enlisted Assn.
The Retired Officers Assn.
United Armed Forces Assn.
USCG Chief Petty Officers Assn.
US Army Warrant Officers Assn.
Veterans of Foreign Wars of the US.
Veterans Widows International Network, Inc.

NATIONAL MILITARY AND VETERANS ALLIANCE,
September 13, 1999.

Hon. JOHN W. WARNER,
Chairman, Armed Services Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The National Military Veterans Alliance (NMVA)—a group of 20 military and Veterans organizations with over 3 million members and their 6 million supporters and family members—strongly supports the Defense Authorization Act for FY 2000.

We are encouraged and pleased by the Conference Agreement on the Fiscal Year 2000 National Defense Authorization Act. The Act contains many substantive improvements for active and retired service members and should assist the armed services in attracting and maintaining a quality force. NMVA appreciates the fine work of your Committee on this important legislation which provides for a continued strong national defense.

This legislation will improve pay and compensation, and will improve the quality of life for military members and their families. It is an excellent step to strengthen our nation's defense and deserves prompt passage. A unanimous vote would let our brave young men and women know that the nation values their courage and dedication to duty.

We appreciate your past efforts on behalf of our men and women in uniform and look forward to working with you to safeguard our national security. You have our full support for this conference report.

Sincerely,

Grant E. Acker, National Legislative Director, Military Order of Purple Heart; Deirdre Parke Holleman, Gold Star Wives of America; James Staton, Executive Director, Air Force Sergeants Association; Mark H. Olanoff, Legislative Director, The Retired Enlisted Association; Bob Manhan, Veterans of Foreign Wars; Robert L. Reinhe, Class Act Group; Doug Russell, President, American Military Society; Richard D. Murray, President, National Association for Uniformed Services; Frank Ault, Executive Director, American Retirees Association; Arthur C. Munson, National President, Naval Reserve Association; Richard Johnson, Executive Director, Non Commissioned Officer Association; J. Norbert Reiner, National Service Director, Korean War Veterans Association; Dennis F. Pierman, Executive Secretary, Naval Enlisted Reserve Association; Brian Baurnan, Director, Tragedy Assistance Program for Survivors.

COMMISSIONED OFFICERS ASSOCIATION OF THE U.S. PUBLIC HEALTH SERVICE,
September 14, 1999.

Hon. JOHN W. WARNER,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the Commissioned Officers Association (COA) of the United States Public Health Service, a private, nonprofit, professional organization comprised of officers of the Commissioned Corps of the Public Health Service. My purpose in writing is to commend you for your leadership in crafting S.

1059, the conference report on the National Defense Authorization Act for Fiscal Year 2000.

More than any legislation in recent memory, this legislation focuses on ''people'', providing substantial enhancements to the quality of life of our men and women in uniform. In addition, the conference report addresses the critical issues of readiness and modernization, placing this country's national defense capacity on a more solid footing as we enter the next century.

COA deeply appreciates your efforts and your personal resolve to ensure the highest standard of readiness for all seven of our country's uniformed services. We stand ready to assist you with passage of this very important piece of legislation.

Sincerely,

MICHAEL W. LORD,
Executive Director.

NAVY LEAGUE OF THE UNITED STATES,
Arlington, VA, September 16, 1999.

Hon. JOHN WARNER,
Chairman, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 70,000 members of the Navy League of the United States, I want to thank you and the members of the Senate Armed Services Committee for your leadership and hard work regarding S. 1059, the National Defense Authorization Act for Fiscal Year 2000.

As you know, S. 1059 contains several initiatives that are critical to improving the quality of life and retention of our highly trained men and women in uniform, particularly the 4.8 percent pay raise, and a restructuring and restoration of the military retirement system. Additionally, the bill begins to address the serious shortfalls in recruiting, spare parts, training accounts and deteriorating infrastructure that is confronting our armed forces.

Quick passage of S. 1059 will send a strong signal to our service members and their families that Congress and our Nation support and recognize the hard work and long hours they endure to guarantee our safety and freedom.

The Navy League, as a civilian patriotic organization, is dedicated to the support of America's sea services and enthusiastically encourages every member of the Senate to vote in favor of this bill when it comes up for final consideration.

With best regards.

Sincerely,

JOHN R. FISHER,
National President.

NATIONAL ASSOCIATION FOR UNIFORMED SERVICES,
Springfield, VA, September 13, 1999.

Hon. JOHN W. WARNER,
Chairman, Armed Services Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The National Association for Uniformed Services (NAUS) represents all grades, all ranks, and all components for the seven uniformed services to include family members and survivors as well as over 500,000 members and supporters.

We are encouraged and pleased by the Conference Agreement on the Fiscal Year 2000 National Defense Authorization Act. We appreciate the fine work of your Committee on this important legislation. The Act contains many substantive improvements for active and retired service members and should assist the armed services in attracting and maintaining a quality force. NAUS strongly supports final passage of this important legislation to provide for a continued strong national defense.

This legislation will improve pay and compensation, and will improve the quality of life for military members and their families. It is an excellent step to strengthen our nation's defense and deserves prompt passage. A unanimous vote would let our brave young men and women know that the nation values their courage and dedication to duty.

We appreciate your past efforts on behalf of our men and women in uniform and look forward to working with you to safeguard our national security. You have our full support for this legislation.

Sincerely,

RICHARD D. MURRAY,
Major General, U.S.A.F., Retired, President.

ARMED SERVICES COMMITTEE STAFF

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Roslyne D. Turner, Systems Administrator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I commend my good friend from Virginia for his work on this bill and his leadership in the committee. It is a bipartisan style of leadership, and it is very productive. I commend him on it. It sets the kind of style which I hope will permeate this body in all the things we do, but it is absolutely essential in the national security area that we act in this way. He carries on a great tradition in doing so.

The conference report for the national defense for the fiscal year 2000 is a good bill, with one problem, and that problem is the provisions relating to the reorganization of the Department of Energy nuclear weapons complex. Because of the deficiencies in the DOE reorganization provisions, I declined to sign the conference report on this bill, but, at the time, I stated I would decide how to vote on the bill after a more careful analysis and a public airing of the provisions.

Back to the Department of Defense side of the bill because this is almost two bills but one conference report. We have a Department of Defense authorization bill, in its more traditional style, addressing the issues which we typically address, and we have this new kid on the block, this Department of Energy reorganization part of this bill, which is the problematic part.

The Department of Defense portion of the bill is a good agreement. It was reached through bipartisan and cooperative discussion among ourselves in the Senate and with our House colleagues. This conference report should go—and will go, in my judgment—a long way to meet the priorities established for our military by Secretary Cohen and the Joint Chiefs of Staff.

I very much agree with our good friend, Senator WARNER, as to what he said about this part of the bill and the priorities it sets, how it spends the additional funds. In accordance with the fiscal year 2000 budget resolution, the bill includes an $8.3 billion increase in budget authority above the level provided in the President's budget. Unlike the budget increases in past years, the added money in this bill will be spent in a manner in which the Department of Defense indicates it has the highest priorities.

That is a very important point. The chairman made the point in his remarks that, relative to the additional funds, we solicited from the Department what their highest priorities are and tried to reflect those priorities.

The bottom line is that this bill will go a long way to improve the quality of life for our men and women in uniform, it will improve the readiness of our military, and it will continue the process of modernizing our Armed Forces to meet the threats of the future.

Some of the add-ons, as I have indicated, the so-called increases, represent the highest-priority readiness items identified by the Joint Chiefs of Staff, including an added $788 million for real property maintenance, something we frequently neglect and delay but which is essential—real property maintenance is not a glamorous item, but it is very important to quality of

life and to readiness—$380 million was added for base operations; $172 million for ammunition; $112 million for training center support; $151 million for depot maintenance. These are items that too frequently get shortchanged. In each case, these items will significantly enhance the ability of our Armed Forces to carry out their full range of missions.

As far as the members of the military are concerned, this is probably the most important Defense Authorization Act in recent years because of the improvements it will make in pay and benefits for the women and men in uniform.

The bill includes the triad of pay and retirement initiatives sought by Secretary Cohen and the Joint Chiefs: A 4.8-percent military pay raise for fiscal year 2000, reform of the military pay table to increase pay for midcareer NCOs and officers, and changes to the military retirement system. These changes should go a long way in addressing recruiting and retention problems in the services. My greatest disappointment in this area is that we were not able to enact the GI bill improvements that were proposed by Senator CLELAND this year.

I think every Member of this body wants to do everything they can to ensure the men and women in uniform receive fair compensation for the service they provide to their country. Secretary Cohen and the Joint Chiefs of Staff made a persuasive case that the military is facing real recruiting and retention problems and that improvements in pay and benefits in the conference report are a critical element of any plan to address the recruiting and retention problems.

There are other important provisions in this bill as well. For example, the bill reported by the Armed Services Committee provides full funding for the DOD Cooperative Threat Reduction Program with Russia and other countries of the former Soviet Union, although it would terminate work on the Russian chemical weapons destruction facility. Unfortunately, two of the three companion programs at the Department of Energy, the initiative for proliferation prevention and the nuclear cities initiatives, received less funding than requested by the administration.

The bill also contains some unfortunate restrictions on those two programs at the Department of Energy which are going to limit the effectiveness of these programs. Nonetheless, the Cooperative Threat Reduction Program and those related Department of Energy programs are a cornerstone of our relationship with Russia, and although the DOE programs were not funded at the level requested, nonetheless they are funded at a significant level and these programs play an important role in our national security by reducing the threat of proliferation of weapons of mass destruction from Russia and rogue nations with which Russia may form closer ties in the absence of those programs.

There were other disappointments as well. In addition to the reduction of the requests for the DOE programs that I mentioned, Senator WELLSTONE's amendment to provide some relief for a group of veterans who contracted serious illnesses after being exposed to radiation while participating in nuclear tests or while serving at Hiroshima or Nagasaki after the war, adopted in the Senate, was not accepted in conference because when we got to conference, the House conferees said the amendment would increase the so-called mandatory or entitlement spending, and they had no jurisdiction on that issue. As a result, they would not agree to include this provision in the conference report. That is a disappointment. It is a disappointment to me, and I think it will be a disappointment to those veterans who were so exposed.

But the conference report, again, has so many important provisions that we should look at the whole DOD report and weigh that as a whole. When we do that, it seems to me the Department of Defense portion of this bill makes a very large contribution to national security and the effective management of the Department of Defense—including other provisions such as the provision establishing new procedures to protect the military's access to essential frequency spectrum; such as the provision requiring the Department to establish specific budget reporting procedures for all funds to combat terrorism, both at home and abroad; such as a series of provisions to improve the effectiveness and efficiency of health care provided to service men and women under the TRICARE program; such as provisions promoting reform of the Department of Defense financial management systems; such as the provisions promoting more effective management of the defense laboratories and test and evaluation facilities; such as provisions extending the Department's small disadvantaged business goals and its mentor-protegee program for small disadvantaged businesses for 3 years.

As I indicated, this conference report is really two bills. It is a DOD authorization bill, but it is also a reorganization of the entire Department of Energy nuclear weapons complex. It does the latter in a way which is inconsistent with the bill that was passed by the Senate by a vote of 96–1 earlier this year, inconsistent in a number of important ways.

It goes beyond anything that has even been considered by the House of Representatives. While there is a broad consensus that we need to address the management and accountability programs at DOE, particularly in the areas of security and counterintelligence, the provisions in this bill could undermine Secretary Richardson's efforts to secure our nuclear secrets and make the Department even more difficult to manage than it is today.

That is the question we struggle with and that I and a number of the members of our committee have struggled with, and I know Members of this body are struggling with that as well—the final provisions that were put in the conference report to try to analyze: What is the difference, if any, between these provisions in the conference report and the Senate provisions which we adopted to implement the semi-autonomous agency recommendation of Senator Rudman?

So I wrote a letter to the Congressional Research Service requesting an independent assessment of the impact of the conference report on the ability of the Secretary of Energy to manage the Department's nuclear weapons programs. The CRS memorandum prepared in response to my letter this month raises serious questions about the impact of the Department of Energy reorganization provisions in this conference report.

The CRS concluded that the Secretary's authority over the new National Nuclear Security Administration ''may be problematic in view of the overall scheme of the proposed legislation.'' For instance, the CRS memorandum raises the question about ''whether it is possible, or desirable in practice, to split policy and operations in organizational terms''; and asks whether the practice of insulating administration staff offices from departmental staff offices ''effectively vitiate[s] the meaning of the earlier provisions assigning the Secretary full authority and control over any function of the Administration and its personnel.''

The CRS memorandum also points out the legislation would permit the administrator of the new National Nuclear Security Agency to ''establish Administration-specific policies, unless disapproved by the Secretary of Energy.'' And the CRS points out that ''This procedure reverses the general practice in the departments and to the extent that the Secretary is not the issuing authority, a major tool of management and accountability is shifted to a subordinate office.''

If this legislation were interpreted, as the CRS indicates it could be interpreted, to undermine the authority of the Secretary, it would have the perverse effect of diffusing responsibility in the Department, leaving reporting channels even more ''convoluted, confusing, and contradictory'' than those observed by the Rudman Commission.

I supported the Rudman recommendation and still do. The Rudman recommendation recommends a semi-autonomous entity inside the Department of Energy. But what the CRS report does is raise questions about whether or not this language—which is different from the Senate language which was overwhelmingly adopted—in this conference report goes beyond semiautonomous.

None of the models of a semiautonomous agency cited by the Rudman Commission in its report—the National Reconnaissance Office; the National Security Agency; the Defense Advanced Research Projects Agency, or DARPA; or the National Oceanographic and Atmospheric Administration, NOAA—limit the authority of the Cabinet Secretary responsible for the agency as much as these provisions seem to do.

However, the ambiguities in this bill may leave open another choice. We are dealing with ambiguities in language. So we have to look at: Are there other interpretations, other choices which may be available in light of these ambiguities?

In particular, there is language which can be construed to give authority to the Secretary which might allow him to run this agency, called the Department of Energy, in a way which will provide accountability in the Secretary because he is the one to whom we must look to be accountable. We want him to be able to run the agency.

That is why it is called a semiautonomous entity in the Rudman report. They do not recommend an autonomous entity. They recommend a semiautonomous entity. They cite models, the ones I have just indicated, which allow the Secretary of the agency in question to run his agency, including all parts of it, including the semiautonomous parts.

There is language in this conference report which remains which does point towards the ability of the Secretary to run his entire agency, to be accountable and responsible for it.

I want to just read some of that language.

For instance, the new administration—this new entity—is established ''within the Department of Energy'', and is therefore subject to the direction and control of the Secretary.

The Secretary of Energy, in this conference report—not the head of the new entity, the under secretary, but the Secretary of Energy—is responsible for ''developing the security, counterintelligence, and intelligence policies of the Department'' under section 214.

For instance, the Department's counterintelligence chief, not his subordinate in the new administration, is ''responsible for establishing policy for counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities'' under section 215.

Another example of language pointing toward accountability in the Secretary—where we want it, ultimately, in this Department or any Department—is that the Secretary of Energy, not the new under secretary but the Secretary of Energy himself, is given continuing responsibility for the security and counterintelligence problems within the Department's nuclear energy defense programs by sections 3150, 3152, 3154, and 3164 of the bill.

Other language which may give some comfort to those of us who are concerned about the diffusion of accountability in this new language—not adopted by the Senate, not adopted by the House, but put into the conference report—other language which may hopefully give some comfort is that the Secretary of Energy, not the new under secretary, is given the responsibility for appointing the Chief of Defense Nuclear Counterintelligence and the Chief of Defense Nuclear Security within the new administration.

I think one can fairly argue that the authority to establish Department-wide policies carries with it the authority to ensure that such policies are carried out. On that basis and on the basis of these other provisions I have just quoted, this legislation could be interpreted to give the Secretary of Energy continuing authority to manage the Department, including the authority to direct and control the new National Nuclear Security Administration.

So while it is unfortunate that this bill has confused reporting relationships and blurred lines of authority, I believe a strong Secretary of Energy may be able to overcome these difficulties and address the Department's problems in an effective manner. He should not have to be confronted with these difficulties, but he may be able to overcome them. We will need to continually reexamine these provisions and modify them as appropriate to ensure that the Secretary and the Department have the tools they need to ensure the security of our nuclear deterrent.

The National Association of Attorneys General has raised an important concern about this legislation. In two letters dated September 3, 1999, to the President and the congressional leadership, the National Association of Attorneys General states that the DOE reorganization provisions in this bill ''would weaken the existing internal and external oversight structure for DOE's environment, safety, and health operations.''

Here again, the Secretary of Energy may be able to overcome the ambiguities in the bill and exercise strong independent oversight over the new administration, ensuring that applicable laws, regulations, and agreements protecting health, safety, and the environment continue to be enforced. This legislation then may be ratified by the courts consistent with its intent—which we put in the Senate version of this bill—to make no change to existing substantive and procedural mechanisms for enforcing such laws, regulations, and agreements.

I wish these flawed DOE reorganization provisions had not been added in conference. As a matter of fact, adding extraneous material in this way is a dubious legislative practice that too often results in unsound legislation. The concerns raised by attorneys general should serve as a reminder to all of us of the hazards of trying to legislate on complex issues in a conference committee convened to deliberate on unrelated matters.

I am going to vote for this bill because I believe it is possible that the DOE reorganization provisions can be interpreted in a manner that will permit the sound management of the Department of Energy and because the provisions are a part of what is otherwise a good bill. If the DOE reorganization mandated by this bill proves to create problems, we will then have to consider solutions to those problems in the future. We are going to need to monitor this bill closely as it is implemented.

We don't know if the President will or will not veto this bill. Perhaps the President indicated to my good friend from Virginia last night at the meeting. But we do not have any indication as to whether or not the President will veto this bill.

Mr. WARNER. Mr. President, if the Senator will allow me to make clear for the Record, while I addressed the President about the importance of the bill as a courtesy to him, I never tried to elicit that response. But I certainly left that meeting with the impression, No. 1, that the President has given a lot of study to the issues that my distinguished good friend and colleague, Senator LEVIN, has raised tonight. He is carefully briefed on it. His questions were very precise on it.

Senator DOMENICI and I provided responses which I hope were quite informative to the President. But I in no way wish to indicate that he likewise indicated what he would do.

I certainly have the impression from that meeting and from everything else I gained that there is not as much fervor down at the White House for a veto, and I am confident that Secretary Cohen likewise contributed his views to the President on this. I am confident he urged the President to sign. He is the principal Cabinet officer involved.

With regard to Secretary Richardson, he has always been, I think, well received by the Members up here who have listened to his overtures on this question. I spoke with him about 10 days ago in my office. I told him at that time precisely what the Senator from Michigan just said—that I thought, to the extent there are ambiguities, together with valuable legal counsel—and I also mentioned this to the President last night—I am confident he can run this Department. If he has the desire and the commitment to do so, he can operate this Department. The Constitution provides for separate branches of Government. The President has the administration of the executive branch. He delegates certain responsibilities to his Cabinet officers. It was not the intention of the Congress to take away from the President's authority.

I am very pleased, if I may say to the President and to the Senator from

Michigan, that I learned tonight the Senator from Michigan will vote in favor of this bill. I was terribly concerned that at the time he couldn't sign the conference report. But he, too, has fought the good battle in terms of his views about this reauthorization. I take those to heart.

Let us look at this in a positive light—that this Secretary will take the reins and look at this statute. It challenges him to run a strong Department. It is my expectation that he will do it and that in a period of reasonable time he will have proven not only to his Department but to all of us in the executive branch and the legislative branch that this can be done.

Thank you, Mr. President, and my colleague, because I value our work and relationship. We came to the Senate together 21 years ago. We have been through many struggles. And for the foreseeable future we have certainly another year to work together to devise a bill.

Mr. LEVIN. I thank my good friend from Virginia. We are, indeed, not only old colleagues but dear friends.

Mr. President, as I indicated, I will be voting for this bill tomorrow. I believe it is again possible that the reorganization provisions of the Department of Energy can be interpreted in a manner that will permit the Department to be managed soundly. It is my hope that that will be the case.

If in fact the President decides to veto this matter—we do not know what he will do—then obviously I, for one, will be willing to consider any arguments and reasoning that might be proposed. But I have no reason to know that that is forthcoming. We just have no indication that in fact a veto is or is not forthcoming. We simply have to do what we, in our best judgment, believe is best. Of course, we are always willing to consider any thoughts or reasoning of the President if and when a veto message is received.

Finally, I want to again thank our good chairman. He has put together a bill with provisions in it that are going to make a real difference for the men and women in our military. As the ranking member of this committee, I have worked very closely with him. Republicans and Democrats on this committee don't always agree, but we surely agreed on the end point, which is that the well-being of the men and women in our military and the security of this country has to be first and foremost. It is not a partisan issue. The constructive leadership which our chairman has always provided on so many issues has been part of a great tradition of the Armed Services Committee.

As he rightfully points out, our staffs are essential to that contribution. We all strive to make a bipartisan contribution to the security of this Nation. We succeed at times. I am sure we don't succeed at other times, as hard as we try. But we would not succeed to the extent we do but for the staffs who also work on a bipartisan basis. Dave Lyles, Les Brownlee, and all of our staff under their leadership are essential to the successes that we have.

I, like the chairman, want to thank our subcommittee chairman and all the members of our committee for their work during the past year, starting with the subcommittee hearings this spring and the good work in this bill that is aimed at improving the quality of life for men and women in the military. Their readiness and their support will indeed have that impact and will have that positive effect we so fervently wish for.

I yield the floor.

Mr. WARNER. Mr. President, I thank my good friend and colleague for these many years. It is a personal privilege and a pleasure to work with him. He represents so many of the values and traditions which make this institution great. I know full well his dedication to the men and women of the Armed Forces. I have never known a Senator who more conscientiously goes into every issue—I don't want to use the word ''agonizes,'' but can he give me a better word?

Mr. LEVIN. I wish I could.

Mr. WARNER. To explain the endless hours in which he and his staff go over the most minute details. Indeed, we owe a great debt of gratitude to our staff.

I would like to make one recommendation to my good friend from Michigan. You need a deputy director. I have Judith Ansley. If the Senator from Michigan had a magnificent deputy director like her to help him curtail the top hands—Les Brownlee and David Lyles—it would be great, and I would see to it that the Senator got a little money from the budget for that.

Mr. LEVIN. I was just going to say that sounds like an invitation to a budget request, and tomorrow morning we will surely try to have one on the chairman's desk.

Mr. WARNER. Mr. President, we have done our job.

I can't tell the Senator from Michigan the great respect that I have for him. I know how difficult this provision on the Energy reorganization has been. It is on our bill for valid reasons. We have somewhere between two-thirds and 70 percent of the funds that go into that Department under our overview. We do careful overview on the weapons program.

But the fact that the Senator from Michigan has announced tonight that he will support that bill is very important. I think it will be important to the President as he carefully deliberates such petitions as may be before him by the Secretary of Energy and others on this issue.

Mr. President, I think we have concluded. I thank the Chair and the staff of the Senate.

Mr. THURMOND. Mr. President, I rise in support of the Conference Report on S. 1059, the National Defense Authorization Bill for Fiscal Year 2000. As the Chairman Emeritus of the Armed Services Committee, I know the challenges faced by Chairman WARNER in reaching a consensus between the House and the Senate on the National Defense Authorization Bill. Therefore, I congratulate the Chairman on his leadership and his tenacity on behalf of our national security and the men and women who have dedicated themselves to protecting our Nation. This is a superb bill that provides for a strong national defense, and, more importantly, includes significant provisions to provide for the welfare of our soldiers, sailors, airmen and Marines and their families.

Mr. President, first and foremost, the Conference Report increases the President's budget request by more than $8.0 billion. This increase is based on last September's testimony by our most senior military leaders who identified a need for an additional $18.5 billion to resolve the most critical readiness issues. Although the increase provided for in the conference report is still short of the Chiefs' identified needs, it, coupled with other improvements in the report, will provide the necessary resources to resolve the most critical readiness issues.

Following closely in importance to the readiness funding are the provisions that improve the quality of life and welfare of our military personnel. They include a 4.8 percent pay raise, reform of the military pay tables, and annual military pay raises one-half percent above the annual increases in the Employment Cost Index. Additionally, the conference report makes major changes to the retirement system and allows both active and reserve component personnel to participate in the same Thrift Savings Plan that is available to other federal employees. These provisions are important steps toward increasing retention and resolving the current recruiting crisis.

Mr. President, the Nation owes its military personnel the best it can provide. In these times between crisis, the Nation tends to forget their sacrifices and contributions to the Nation's security. During the September 1998 hearing, General Shelton eloquently described the quality and service of our military personnel when he stated:

> It is the quality of the men and women who serve that sets the U.S. military apart from all potential adversaries. These talented people are the ones who won the Cold War and ensured our victory in Operation Desert Storm. These dedicated professionals make it possible for the United States to accomplish the many missions we are called on to perform around the world every single day.

The conference report recognizes these contributions.

Mr. President, I am confident that everyone in this Chamber will agree that the security issues in the Department of Energy identified by the various congressional committees, the Cox Committee and the President's Foreign Intelligence Advisory Board, chaired by our former colleague Senator Rudman, mandated measures to improve

the management of the nuclear weapons complex. The Conference Report directs the establishment of the National Nuclear Security Administration, a semi-autonomous agency within the Department of Energy. This agency would be responsible for nuclear weapons programs and the security, counterintelligence, and intelligence as they relate to the weapons programs. Contrary to what some allege, the agency would be under the direct control of the Secretary of Energy and he would retain ultimate responsibility for what the Administration does or fails to do.

Mr. President, this is a prudent step that is long overdue. It will streamline the bureaucracy and the process which ensures the reliability of our nuclear weapons. More importantly, it will provide the security oversight that will preclude any further loss of sensitive nuclear information. This is a sound provision that will assist the Secretary of the Energy in carrying out his critical national security role.

Mr. President, this is a good Conference Report that reflects the dedication and leadership of Chairman WARNER, Senator LEVIN, Chairman SPENCE, Representative SKELTON and all the conferees. It provides for the critical national security needs of our Nation and especially for the needs of the men and women who proudly wear the uniforms of our Army, Navy, Air Force, and Marines. I urge its adoption and strong support.

Thank you, Mr. President.

Mr. KYL. Mr. President, I rise today in support of the Defense authorization conference report. The debate on this bill comes at time when our nation faces a host of new national security challenges, like the growing missile threat, the spread of weapons of mass destruction, terrorism, potential information warfare attacks on our critical infrastructure, and aggressive espionage directed at our nuclear laboratories.

It also comes at a time when our armed forces are facing critical shortfalls in readiness and recruitment and retention. Our men and women in uniform are stretched to the limit, with deployments around the globe to places such as Kosovo, Bosnia, East Timor, the Persian Gulf, the Sinai Peninsula, South Korea, and the list goes on and on.

Senator WARNER and his colleagues on the Armed Services Committee have produced a good bill that begins to address some of these problems.

First, the bill authorizes a total of $288.8 billion for DoD and the national security programs at the Energy Department—$8.3 billion more than the President's request. It also increases funding for readiness by $1.5 billion and procurement by $3 billion above the President's request.

The bill provides a 4.8% pay raise for our men and women in uniform, reforms the military pay tables, and improves the retirement system, which should help with recruitment and retention problems.

It authorizes $403 million over the President's request for missile defense, $150 million more than requested for the protection of DoD's computer networks, and authorizes and fully funds 17 new National Guard rapid response teams to respond to terrorist attacks in the U.S.—12 more than requested by the Administration.

And finally, this bill contains a series of provisions to reorganize the Department of Energy in order to improve security and counterintelligence. Over the past few months, we have all heard the sobering news about how our nation's security has been damaged by China's theft of America's most sensitive secrets. Earlier this year, the declassified version of the bipartisan Cox Committee report was released, which unanimously concluded that China stole classified information on every nuclear warhead currently in the U.S. arsenal, as well as the neutron bomb—literally, the crown jewels of our nuclear stockpile.

An interagency group established by CIA Director Tenet, with representatives from each of the U.S. intelligence agencies, also prepared a damage assessment, which unanimously concluded that ''China obtained through espionage classified U.S. nuclear weapons information,'' including ''design information on several modern U.S. nuclear reentry vehicles,'' and ''information on a variety of U.S. weapon design concepts and weaponization features.''

After the effects of China's espionage came to light, the President asked his Foreign Intelligence Advisory Board, led by former Senator Rudman, to look into the matter. The board released its findings in June, calling for sweeping organizational reform of DOE to address what it described as ''the worst security record on secrecy'' that the panel members ''have ever encountered.''

The bipartisan panel cited as the root cause of DOE's poor security record ''organizational disarray, managerial neglect, and a culture of arrogance. . . [which] conspired to create an espionage scandal waiting to happen.'' Terrible problems were uncovered during the panel's investigation. For example, employees at nuclear facilities compared their computer systems to automatic teller machines allowing top secret withdrawals at our nation's expense.

The Rudman report pulled no punches, noting that, ''The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. . . The long traditional and effective method of entrenched DOE and lab bureaucrats is to defeat security reform initiatives by waiting them out.''

Although Energy Secretary Richardson announced several new initiatives to change management and procedures at DOE, the Presidential panel's report states, ''we seriously doubt that his initiatives will achieve lasting success,'' and notes, ''moreover, the Richardson initiatives simply do not go far enough.'' It is because of these problems that the Presidential panel recommended that Congress act to reorganize the Department by statute, so that the bureaucracy could not simply wait out another Secretary of Energy.

In response to the reports of security problems at our nuclear facilities, Senator DOMENICI, Senator MURKOWSKI, and I drafted legislation to implement the recommendations of the Rudman panel. Our legislation gathered all the parts of our nuclear weapons programs under one semi-autonomous agency within DOE, with clear lines of authority, responsibility, and accountability, with one person in charge, called the Administrator, who will continue to report to the Energy Secretary. Our legislation, which was offered as an amendment to the intelligence authorization bill, was passed by the Senate on July 21st by an overwhelming vote of 96 to 1. I want to thank Senator WARNER for working with us to include this legislation in the Defense Authorization Conference Report.

A semiautonomous agency, created by statute, is the only way we are going to solve the problems with DOE's management of the nuclear weapons complex, that are long-standing, systemic, and go to the very heart of the way the Department is managed, structured, and organized. To begin with, this semi-autonomous agency will establish a clear mission for the organization, by separating the management of the nuclear weapons programs at DOE from the rest of the Department that is responsible for a broad range of unrelated tasks like setting energy efficiency standards for refrigerators. The provisions of the Conference Report also establish a clear chain of command for our nuclear weapons programs and facilities to establish accountability—something that the Rudman report said was ''spread so thinly and erratically [at DOE] that it is now almost impossible to find.''

Since the conference report was filed in August, some opponents of DOE reorganization have charged that this legislation would exempt the new semi-autonomous agency from environmental and safety laws and regulations—a charge which is simply false. Section 3261 of the bill, which I would note is identical to the language in the amendment passed by the Senate 96 to 1, states, ''The Administrator shall ensure that the Administration complies with all applicable environmental, safety, and health statutes and substantive requirements.'' Furthermore, section 3261 states, ''Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that such compliance occurs.''

I would also note, that section 3211, which establishes the mission of the new agency clearly states, ''In carrying out the mission of the Administration,

the Administrator shall ensure that all operations and activities of the Administration are consistent with the principles of protecting the environment and safeguarding the safety and health of the public and of the workforce of the Administration.''

Some critics have also falsely charged that this legislation would narrow or supercede existing waiver of sovereign immunity agreements with the states and undercut the Federal Facility and Compliance Act, which clarified that states have regulatory authority over hazardous waste management and clean-up. Mr. President, I would point out that Federal Facility Compliance Agreements are based on waivers of sovereign immunity established under applicable federal environmental statutes, which are *not* affected by this bill. As section 3296 makes clear, ''unless otherwise provided in this title, all provisions of law and regulations in effect immediately before the effective date of this title. . . shall continue to apply to the corresponding functions of the Administration.''

It is well past time to correct the chronic security problems at our nuclear facilities. Earlier this year, four committee's in the Senate held six hearings specifically on the legislation Senator DOMENICI, Senator MURKOWSKI, and I proposed. The time has come to act. Great harm to our nation's security has already been done, and if we want to prevent further damage, we must act to reform the way we manage our nuclear weapons programs and facilities to create accountability and responsibility. Our most fundamental duty as Senators is to protect the safety and security of the American people. They deserve no less than our best in this regard. I urge my colleagues to support the passage of this important bill.

Mr. MURKOWSKI. Mr. President, I rise in support of the conference report on the Defense Authorization Act for fiscal year 2000. The conference report includes provisions to address the chronic security problems at the Department of Energy nuclear weapons laboratories.

We need to make major organizational changes to the Department of Energy in order to protect the national security—to keep our nuclear secrets from falling into the wrong hands. There is no question that the U.S. has suffered a major loss of our nuclear secrets. According to the House Select Committee's report, the Chinese have succeeded in stealing critical information on all of our most advanced nuclear weapons. I repeat: The House report shows that we lost critical information on all of our advanced nuclear weapons! That is unacceptable!

The extensive Senate hearing record—in both open and closed meetings held by the Energy and Natural Resources Committee, the Armed Services Committee, the Intelligence Committee and the Governmental Affairs Committee—makes clear that we lost these secrets due to poor management by the top levels of the Department of Energy—which led to lax security and a lack of accountability and responsibility.

Let me quote from the report of the President's foreign intelligence advisory board—the Rudman report—titled ''Science at its best: Security at its worst.''

> Organizational disarray, managerial neglect, and a culture of arrogance—both at DOE headquarters and the labs themselves—conspired to create an espionage scandal waiting to happen.
>
> The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself.
>
> Accountability at DOE has been spread so thinly and erratically that it is now almost impossible to find.
>
> Never have the members of the Special Investigative Panel witnessed a bureaucratic culture so thoroughly saturated with cynicism and disregard for authority.
>
> Never before has this panel found such a cavalier attitude toward one of the most serious responsibilities in the federal government—control of the design information relating to nuclear weapons.
>
> Never before has the panel found an agency with the bureaucratic insolence to dispute, delay, and resist implementation of a Presidential directive on security.

I ask unanimous consent that additional excerpts from the Rudman report be printed in the RECORD following my statement.

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

[See Exhibit 1.]

Mr. MURKOWSKI. Despite this damming criticism by the President's own foreign intelligence advisory board to date not a single high level bureaucrat at DOE—or the FBI or the Justice Department, for that matter—has been removed, demoted or disciplined over this massive failure. Only a very few low-level DOE employees have suffered—including the person who first blew the whistle.

The problem is clear. The question is: Do we want this to continue, or are we going to fix the problem?

One thing we can not discuss in open session, is the extent of this problem. We can say that this problem is much more extensive than has been reported. We can also say that it is a continuing problem. And we can say that it is not just espionage by China, it is also espionage by other countries that we must stop.

The Administration is against fixing the problem; DOE Secretary Richardson is opposed to the provisions Conference Report. When this was last debated in the Senate, Secretary Richardson sent two letters threatening veto by the President—and he continues to voice his opposition to this legislation. However, the President's own independent and nonpartisan Foreign Intelligence Advisory Board agrees with our legislative solution—creating a semi-autonomous agency within DOE is the way to fix the problem.

Again, let me quote from the Rudman report:

> The panel is convinced that real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture.
>
> To achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure free of all the other obligations imposed by DOE management.

Under the current DOE organization structure everyone is in charge, but no one is responsible—no one is accountable. This legislation changes that. This legislation establishes accountability and responsibility at the Department of Energy. It does so by establishing a new semi-autonomous ''National Nuclear Security Administration'' inside the Department of Energy.

The Nuclear Security Administration will be a self-contained organization that will be fully in charge of all aspects of our nuclear weapons program—and fully accountable.

This new agency will be headed up by a new Under Secretary of Energy. The new Under Secretary will be responsible for all aspects of our nuclear weapons program, including the DOE weapons labs. If there is a problem in the future we will know who to point the finger at—a single agency with a single person heading it in charge of all aspects of the nuclear weapons program.

As further evidence for the need for this legislation, I would like to quote the testimony of Mr. Vic Reis, the former Assistant Secretary of Energy for Defense Programs, just before he was forced out by Secretary Richardson for disagreeing with the Secretary's position on the need to create a semi-autonomous agency. Mr. Reis said:

> You may recall at a previous hearing, Mr. Chairman, you noticed me in the audience and you asked for my opinion as to who, or what was to blame for the security issues at the national laboratories. I responded that I didn't think you would find any one individual to blame, but that the organizational structure of the DOE was so flawed that security lapses are almost inevitable.
>
> The root cause of the difficulties at DOE is simply that DOE has too many disparate missions to be managed effectively as a coherent organization. The price of gasoline, refrigerator standards, Quarks, nuclear cleanup and nuclear weapons just don't come together naturally.
>
> Because of all this multilayered cross-cutting, there is no one accountable for the operation of any part of the organization except the Secretary, and no Secretary has the time to lead the whole thing effectively. By setting up a semi-autonomous agency, many of these problems go away.

The way to stop espionage at the DOE laboratories then is to vote for the conference report.

Before I yield the floor I want to mention one element of DOE's defense programs that we do not reorganize, although it is made part of the new National Nuclear Security Administration. That is the Naval Nuclear Propulsion Program.

The Conference report language was very carefully and specifically crafted

to ensure that the organization, responsibilities and authorities of the Naval Nuclear Propulsion Program are not diminished or otherwise compromised. The Naval Nuclear Propulsion Program, referred to as ''Naval Reactors'' in the Department of Energy, has long been a model of excellence, efficiency and integrity. Naval Reactors has provided safe, reliable, long-lived and militarily-effective nuclear propulsion plants for our Nation since U.S.S. *Nautilus* went to sea in 1955. These nuclear propulsion plants are found in our largest ships, the *Nimitz* class nuclear aircraft carriers with over 5,500 personnel on board. They are also found in one of our smallest ships, the NR–1 deep-submergence research and ocean engineering vehicle with a crew of only five to ten. These nuclear propulsion plants also are crucial to the ability of our Nation's exceptional ballistic missile and attack submarine fleets to perform their national security missions.

Under the conference report, Naval Reactors will continue to maintain clear, total responsibility and accountability for all aspects of Naval nuclear propulsion, including design, construction, operation, operator training, maintenance, refueling, and ultimate disposal, plus associated radiological control, safety, environmental and health matters, and program administration. The Program's structure will continue to include roles within both the Navy and the DOE, with direct access to the Secretaries of Navy and Energy. The success of the Program is due in part to its simple, enduring, and focused structure set forth in Public Law 98–525, which is not changed by the Conference Report.

Also of great importance are the Program's clear and simplified lines of authority, and the culture of excellence in technical work, as well as managerial, fiscal, and security matters. These too are unaffected by the Conference Report.

With fifty-one years of unparalleled success, Naval Reactors has amassed a record that reflects the wisdom of its structure, policies, and practices. Naval nuclear propulsion plants have safely steamed over 117 million miles—over 5,000 reactor-years of safe operations. Moreover, there has never been a naval reactor accident, or any release of radioactivity that has had a significant effect on the public or environment.

For these reasons, the Conference Report makes it clear that this exceptional national asset will in no way be hindered from maintaining its record of excellence. The language creating the new National Nuclear Security Administration in the Department of Energy in no way changes the management or operations of Naval Reactors. I am confident Naval Reactors will remain a technical organization unequaled in accomplishment throughout the world, and a crown jewel in our Nation's security.

EXHIBIT 1

Seclected excerpts from the President's Foreign Intelligence Advisory Board report: Science at its Best; Security at its Worst: A Report on Security Problems at the U.S. Department of Energy.

FINDINGS (PP. 1–6)

As the repository of America's most advanced know-how in nuclear and related armaments and the home of some of America's finest scientific minds, these labs have been and will continue to be a major target of foreign intelligence services, friendly as well as hostile. p.1

More than 25 years worth or reports, studies and formal inquiries—by executive branch agencies, Congress, independent panels, and even DOE itself—have identified a multitude of chronic security and counterintelligence problems at all of the weapons labs. p.2

—Critical security flaws . . . have been cited for immediate attention and resolution . . . over and over and over . . . ad nauseam.

The open-source information alone on the weapons laboratories overwhelmingly supports a troubling conclusion: their security and counterintelligence operations have been seriously hobbled and relegated to low-priority status for decades. p.2

—The DOE and its weapons labs have been Pollyannaish. The predominant attitude toward security and counterintelligence among many DOE and lab managers has ranged from half-hearted, grudging accommodation to smug disregard. Thus the panel is convinced that the potential for major leaks and thefts of sensitive information and material has been substantial.

Organizational disarray, managerial neglect, and a culture of arrogance—both at DOE headquarters and the labs themselves—conspired to create an espionage scandal waiting to happen. pp.2–3

Among the defects this panel found:

Inefficient personnel clearance programs.

Loosely controlled and casually monitored programs for thousands of unauthorized foreign scientists and assignees.

Feckless systems for control of classified documents, which periodically resulted in thousands of documents being declared lost.

Counterintelligence programs with part-time CI officers, who often operated with little experience, minimal budgets, and employed little more than crude ''awareness'' briefings of foreign threats and perfunctory and sporadic debriefings of scientists. . .

A lab security management reporting system that led everywhere but to responsible authority.

Computer security methods that were naive at best and dangerously irresponsible at worst.

—DOE has had a dysfunctional management structure and culture that only occasionally gave proper credence to the need for rigorous security and counterintelligence programs at the weapons labs. For starters, there has been a persisting lack of real leadership and effective management at DOE.

The nature of the intelligence-gathering methods used by the People's Republic of China poses a special challenge to the U.S. in general and the weapons labs in particular. p.3

Despite widely publicized assertions of wholesale losses of nuclear weapons technology from specific laboratories to particular nations, the factual record in the majority of cases regarding the DOE weapons laboratories supports plausible inferences—but not irrefutable proof—about the source and scope of espionage and the channels through which recipient nations received information. pp.3–4

—The actual damage done to U.S. security interests is, at the least, currently unknown; at worst, it may be unknowable.

The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. p.4

—Accountability at DOE has been spread so thinly and erratically that it is now almost impossible to find.

Reorganization is clearly warranted to resolve that many specific problems with security and counterintelligence in the weapons laboratories, but also to address the lack of accountability that has become endemic throughout the entire Department. p.4

—Convoluted, confusing, and often contradictory reporting channels make the relationship between DOE headquarters and the labs, in particular, tense, internecine, and chaotic.

The criteria for the selection of Energy Secretaries have been inconsistent in the past. Regardless of the outcome of ongoing or contemplated reforms, the minimum qualifications for an Energy Secretary should include experience in not only energy and scientific issues, but national security and intelligence issues as well. p.5

DOE cannot be fixed with a single legislative act: management must follow mandate. The research functions of the labs are vital to the nation's long term interest, and instituting effective gates between weapons and nonweapons research functions will require both disinterested scientific expertise, judicious decision making, and considerable political finesse. p.5

—Thus both Congress and the Executive Branch . . . should be prepared to monitor the progress of the Department's reforms for years to come.

The Foreign Visitor's and Assignments Program has been and should continue to be a valuable contribution to the scientific and technological progress of the nation. p.5

—That said, DOE clearly requires measures to ensure that legitimate use of the research laboratories for scientific collaboration is not an open door to foreign espionage agents.

In commenting on security issues at DOE, we believe that both Congressional and Executive branch leaders have resorted to simplification and hyperbole in the past few months. The panel found neither the dramatic damage assessments nor the categorical reassurances of the Department's advocates to be wholly substantiated. pp.5–6

—However, the Board is extremely skeptical that any reform effort, no matter how well-intentioned, well-designed, and effectively applied, will gain more than a toehold at DOE, given its labyrinthine management structure, fractious and arrogant culture, and the fast-approaching reality of another transition in DOE leadership. Thus we believe that he has overstated the case when he asserts, as he did several weeks ago, that ''Americans can be reassured: our nation's nuclear secrets are, today, safe and secure.''

Fundamental change in DOE's institutional culture—including the ingrained attitudes toward security among personnel of the weapons laboratories—will be just as important as organizational redesign. p.6

—Never have the members of the Special Investigative Panel witnessed a bureaucratic culture so thoroughly saturated with cynicism and disregard for authority. Never before has this panel found such a cavalier attitude toward one of the most serious responsibilities in the federal government—control of the design information relating to nuclear weapons. Particularly egregious have been the failures to enforce cyber-security measures to protect and control important nuclear weapons design information. Never before has the panel found an agency with the bureaucratic insolence to dispute, delay, and resist implementation of a Presidential directive on security, as DOE's bureaucracy tried to do with the Presidential Decision Directive No. 61 in February 1998.

The best nuclear weapons expertise in the U.S. government resides at the national weapons labs, and this asset should be better used by the intelligence community. p. 6

REORGANIZATION—PP. 43–52

The panel is convinced that real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture. To achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure free of all the other obligations imposed by DOE management. We strongly believe that this cleaving can be best achieved by constituting a new government agency that is far more mission-focused and bureaucratically streamlined than its antecedent, and devoted principally to nuclear weapons and national security matters. p. 46

The agency can be constructed in one of two ways. It could remain an element of DOE but become semi-autonomous—by that we mean strictly segregated from the rest of the Department. This would be accomplished by having the agency director report only to the Secretary of Energy. The agency directorship also could be ''dual-hatted'' as an Under Secretary, thereby investing it with extra bureaucratic clout both inside and outside the Department. p. 46

Regardless of the mold in which this agency is cast, it must have staffing and support functions that are autonomous from the remaining operations at DOE. p. 46

To ensure its long-term success, this new agency must be established by statute. p. 47

Whichever solution Congress enacts, we do feel strongly that the new agency never should be subordinated to the Defense Department. p. 47

Specifically, we recommend that the Congress pass and the President sign legislation that: pp. 47–49

—Creates a new, semi-autonomous Agency for Nuclear Stewardship (ANS), whose Director will report directly to the Secretary of Energy.

—Streamlines the ANS/Weapons Lab management structure by abolishing ties between the weapons labs and all DOE regional, field and site offices, and all contractor intermediaries.

—Mandates that the Director/ANS be appointed by the President with the consent of the Senate and, ideally, have an extensive background in national security, organizational management, and appropriate technical fields.

—Stems the historical ''revolving door'' and management expertise problems at DOE. . . .

—Ensures effective administration of safeguards, security, and counterintelligence at all the weapons labs and plants by creating a coherent security/CI structure within the new agency.

—Abolishes the Office of Energy Intelligence.

—Shifts the balance of analytic billets . . . to bolster intelligence community technical expertise on nuclear matters.

Mr. ROBERTS. Mr. President I rise to add my voice to the support of the Defense authorization bill that we soon vote on.

It has been my honor this year to serve as the Chairman of the Armed Services Committee's new subcommittee on Emerging Threats and Capabilities. The chairman wisely established this subcommittee to provide a focus on the Department of Defense's efforts to counter new and emerging threats to vital national security interests.

This subcommittee has oversight over such threats as the proliferation of weapons of mass destruction, international terrorism directed at U.S. targets both at home and abroad, information warfare, and narco-trafficking. In addition, the subcommittee has budgetary oversight of the defense science and technology program—which will provide for the development of the technology necessary for the U.S. military to meet the challenges of the 21st century.

A key element of the subcommittee's responsibilities is the changing role of the U.S. military in the new threat environment, with an examination of emerging operational concepts and non-traditional military operations. In this connection, the subcommittee has oversight of the procurement and R&D programs of the Special Operations Command.

I would like to briefly highlight the initiatives included in this bill to address emerging threats and the future capabilities of our armed forces:

Protection of our homeland and our critical information infrastructure are two of the most serious challenges facing our Nation today. In the area of Counter-Terrorism, the bill includes full funding for the five Rapid Assessment and Initial Detection (RAID) teams requested by the administration, and an increase of $107 million to provide a total of 17 additional RAID teams in fiscal year 2000. We required the Department to establish specific budget reporting procedures for its combating terrorism program. This will give the program the focus and visibility it deserves while providing Congress with the information it requires to conduct thorough oversight over the Department's efforts to combat the threat of terrorism attack both inside and outside the U.S.

The bill includes a $150 million Information Assurance Initiative to strengthen the defense information assurance program, enhance oversight and improve organizational structure. This initiative will also provide a testbed to plan and conduct simulations, exercises and experiments against information warfare threats, and allow the Department to interact with civil and commercial organizations. The provision encourages the Secretary of Defense to strike an appropriate balance in addressing threats to the defense information infrastructure while at the same time recognizing that DOD has a role to play in protecting critical infrastructures outside the DOD.

In the area of nonproliferation, we have authorized full funding for the Cooperative Threat Reduction Program to accelerate the dismantlement of the former Soviet Union strategic offensive arms that threaten the U.S. And for the DoE programs—Initiatives for Proliferation Prevention and the Nuclear Cities Initiative—we have authorized an increase of $5.0 million over the FY99 funding levels and have recommended several initiatives to enhance the overall management of these programs.

We have included in the bill a legislative package to strengthen the defense science and technology program. This legislation will ensure that the science and technology program is threat-based and that investments are tied to future warfighting needs. The legislation is also aimed at promoting innovation in laboratories and improving the efficiency of these RDT&E operations.

Other budgetary highlights include: a $271 million increase to the defense science and technology budget request; an additional $10.0 million for Joint Experimentation exercises; $14.0 million in targeted increases in the Chemical and Biological Defense Program to advance research in chemical and biological agent detector technologies and procurement; and an additional $164.7 million to meet unfunded requirements of the Special Operations Forces.

Although I have highlighted some of the key successes of the Emerging Threats and Capabilities subcommittee, I am very proud of the total package we are voting on today. I think we have done an excellent first step in helping the men and women in the military receive fair compensation for their sacrifice for this nation.

I thank the Chairman for his vital and impressive leadership this year, along with the Senator from New Mexico, Mr. BINGAMAN, and the majority staff. I urge my colleagues to support the Defense authorization bill.

Mr. SMITH of New Hampshire. Mr. President I rise today to signal my strong support for the fiscal year 2000 Defense Authorization Act and conference report. I would also like to publicly thank Chairman WARNER for his leadership, wisdom, and commitment to doing what is right for America as chairman of the Armed Services Committee.

As a member of the Armed Services Committee, and chairman of the Strategic Forces Subcommittee, I have a strong interest in the state of our Armed Forces, and the needs of its people.

Under the present administration, the Defense budget has declined by 40 percent since the end of the cold war, and total personnel strength has been cut by 30 percent. At this same time, this administration has also increased the military's deployment rate by 300 percent.

There are very few businesses in this country who could survive a 40 percent budget cut, and 30 percent personnel cut while still meeting a 300 percent increase in production. But that's what we have asked of our men and women in uniform—and they have delivered every single time. The time is long overdue for us to give something back—to stop the hemmorrhaging—to give them the money the need, the equipment they need, the resources

they need, and most importantly the people they need. We still have a long way to go, but this authorization bill is the first step in the right direction—the first of many I will continue to fight for.

I am extremely proud of the pay package contained in this bill. It contains the largest pay raise since 1982 and will stop the erosion of a double-digit pay gap that's been growing for 20 years. Restoring previously reduced retirement benefits to their original levels shows a commitment to our veteran's long-term security and the value of a career of honorable service. These two provisions are critical to solving our recruiting and retention crisis.

As chairman of the Strategic Forces Subcommittee, I am also extremely proud of the strategic provisions in this bill.

In written testimony before the Armed Services Committee in February of this year, the Director of the Defense Intelligence Agency, Lt. Gen. Hughes, testified in his written statement,

> Weapons of mass destruction and theater missile delivery means has become the greatest direct threat to US forces deployed and engaged worldwide.

With that critical focus I am proud to announce that this bill includes an increase of $212 million over the President's budget request for the patriot PAC–3 theater missile defense system, and an increase of $90 million over the President's budget for the Navy theater wide missile defense program.

Gen. Dick Myers, Commander of U.S. Space Command, testified before my subcommittee in March that the space-based infrared system [SBIRS] was Space Command's No. 1 priority due to its critical role in missile warning and national missile defense. This bill contains an increase of $92 million to speed the deployment of the SBIRS constellation and directly increase the security of our Nation.

As the next decade unfolds, the United States is becoming increasingly reliant on space to meet our national security needs, as well as our daily economic needs. This bill also provides for an increase of $25 million to develop the space maneuver vehicle which will significantly reduce the cost and increase the speed at which we can launch payloads into space. And an increase of $15 million for the Air Force and Army's space control technology programs which will be critical to ensuring our freedom of access to space in the next decade.

This bill also includes a provision establishing a commission to assess U.S. national security space organization and management, to address the critical need to truly focus on spacepower and its role in national security.

In response to a thorough review and examination of security problems at the Department of Energy's nuclear labs, this conference report also includes legislation to consolidate all national security functions under a single, semi-autonomous agency known as the National Nuclear Security Administration. As demonstrated by the Cox Commission report, and the President's own Foreign Intelligence Advisory Board, this reorganization is crucial to our national security and safeguarding our nuclear labs, and has my strongest support.

There are many other provisions in this bill that are imperative for our troops, and our nation, but I don't have time to discuss them all. But the bottom line is this: our troops deserve the best, and the American people deserve the best.

This bill represents a huge victory for our troops, but it's only the first step on a tough road to correcting our long-term readiness problems. The Clinton administration has cut military spending every year since he took office—and turned a deaf ear to the critical problems it has caused. Year after year the administration denied there were any problems and refused to increase spending. Only now that we're starting to come apart at the seams have they admitted there's a problem, and the Joint Chiefs told us in testimony that the administration's plan for fixing it was still $40 billion short. We have added an extra $8 billion in this budget, the first increase in defense spending in more than a decade, but there's still a long way to go. I am committed to our troops and to halting this erosion, and this bill is the start.

Mr. President, I strongly support this bill, and I encourage my colleagues to do the same.

I would like to thank Chairman WARNER again for his leadership on this critical issue, and I yield the floor.

Ms. SNOWE. Mr. President, I rise in strong support of the fiscal year 2000 Defense authorization conference report.

The bill emerges in the turnmoil of a post-cold-war world—one demanding a U.S. military that can face transnational developments such as weapons proliferation, regional tyrants such as Saddam Hussein or Slobodan Milosevic, and emerging powers such as China.

As a result, the authorization cycle of the last few months allowed Congress to bring the Pentagon's budget into alignment with the changing Armed Services on which the nation will rely to deter a broad spectrum of global threats to U.S. national security.

I caution my colleagues not to confuse the unpredictable nature of these threats with the disappearance of serious global challenges to the security of the United States and its key allies.

The former menace of imperial communism has yielded to a less detectable, but still destructive, gallery of aggressors: the cyber-terrorist, the rogue dictator, the narcotics lord, and violent dissidents throughout the world with ideological resentments against the culture and prosperity of the West.

A brief tour of the global horizon furthermore alerts us to the ongoing requirement for a robust and flexible national defense.

The burned and bloodied streets of East Timor warn the United States that the world's fourth most-populous country, guarding the sea lanes between the Pacific and Indian Oceans, faces an anxious period of political and military strife.

Saddam Hussein still hopes to strangle the Arab-Israeli peace process and hold the oil reserves of the Persian Gulf hostage to his lust for warfare.

China wants to build a nuclear and naval force to counter the United States and Japan as a major power among the trading states of Western Asia.

The North Koreans and the Iranians quietly try to siphon weapons of mass destruction out of a chaotic Russia. India and Pakistan have intensified their grim nuclear standoff, and the rumbling Balkans undermine stability and economic development from the Caucuses to the Mediterranean Basin.

The Senate, therefore, should embrace a Defense authorization conference report that increases the President's request by more than six billion dollars to a total of $288.8 billion. Almost one-half of the eight billion dollar increase goes towards procurement—the keystone of force modernization—and keeps the Pentagon on schedule to level this account at $60 billion next year, as Secretary Cohen proposed in February 1998.

Beyond the numbers in the budget, however, this bill takes care of the needs of our Service people. The Conference Report, Mr. President, recognizes the human dimension of military readiness by approving an across-the-board 4.8% pay increase for uniformed personnel-the largest since 1982. It also equalizes retirement benefits, extends bonuses for second and third-term reenlistments, and gives troops the same chance that civilians have to achieve financial security by making thrift saving plans available, for the first time ever, to the Total Force.

This legislation furthermore takes the bold step of re-organizing the Energy Department of fight the emerging threat of nuclear proliferation through reformed intelligence and security systems. Our statutory effort on this front reflected the chilling fact that the Department, as it exists, cannot adequately safeguard the secrets that give nuclear arsenals their range and mobility.

An alarming flood of evidence produced by two distinguished panels this year, the Cox and Rudman Commissions, uncovered a fractured and apathetic DoE bureaucracy that failed over the course of twenty years to protect the design plans for America's most sophisticated warheads against foreign espionage. As a result, the conference report mandated the creation of a new semi-autonomous organization within the Energy Department,

accountable directly to the Secretary, that will streamline reporting procedures and tighten security at the country's national weapons laboratories.

In addition, as Chairman of the Senate Armed Services Seapower Subcommittee, I was honored to join my colleagues in forging an FY 2000 budget authorization that enhances the nation's naval power projection, force protection, and strategic lift capabilities. I want to thank Senator KENNEDY, the ranking minority member of the Subcommittee, along with the panel's other members, Senators JOHN MCCAIN, BOB SMITH, JEFF SESSIONS, CHUCK ROBB, and JACK REED, for both their hard work on this year's bill and their support of me as the Chairman.

The conference report approves the President's request for authorization of six new construction ships, including $2.681 billion for three DDG-51 *Arleigh Burke*-class destroyers, $1.508 billion for two LPD-17 *San Antonio*-class amphibious ships, and $440 million for one ADC(X), the first of a class of auxiliary refrigeration and ammunition supply ships.

It also authorizes the President's advance procurement request of $748.5 million for two SSN-774 *Virginia*-Class attack submarines, and $751.5 million for the CVN-77, the last *Nimitz*-class aircraft carrier.

These budget levels will enable the Navy to set the stage for a planned increase in annual ship construction rate from six per year today to eight per year between FY 2001 and FY 2004 and nine per year beginning by FY 2005. As the Assistant Service Secretary for Research, Development, and Acquisition, Dr. Lee Buchanan, testified to the Subcommittee on March 24, 1999, a yearly production rate of between eight and ten vessels is essential to the maintenance of a Fleet within the range of 300 ships over the next 35 years.

Beyond the procurement priorities of today, the subcommittee supported the Navy's revolutionary research efforts to shape a 21st century fleet of greater speed, precision, and maneuverability for littoral operations near coastal waters. According to the Navy's official definition, littoral engagements requires forces to deploy ''close enough to influence events on shore if necessary.''

This post-Soviet mission connects our force structure to our security interests since by 2010, 80 percent of the world's population will live within 300 miles of the shorelines known as the littorals. And as our maritime Service, Mr. President, the Navy operates as the first and most significant force of relief and response in the littoral waterways.

In the realm of ship research, development, testing, and evaluation, the conference report approves $270 million for the DD–21 next-generation land attack destroyer, $205 million to advance the post-*Nimitz* aircraft carrier program known as CVN(X), and $116 million for SSN–774 *Virginia*-class attack submarines. These initiatives will help the fleet in meeting one of its core force structure goals for the years ahead: the deployment of ships with intensified firepower and lower life-cycle costs.

The sailors and marines of tomorrow, Mr. President, will also require worldwide mobility to bring American power to the shores of conflict or instability. Towards this end, our bill extends the Pentagon's core tactical and strategic lift programs, including the C–17 airlifter and the MV–22 Osprey helicopter.

The seapower portion of the conference report includes a number of legislative provisions allowing the Pentagon to take advantage of the most cost-effective acquisition strategies to sustain a fleet of at least 300 ships—the bare minimum, according to the testimony of senior officials before the Seapower Subcommittee this year, that the Navy needs to meet its forward-deployed operational requirements.

These legislative provisions extend the multi-year procurement authority to include fiscal years 2002 and 2003 in the DDG–51 production program, and authorize advance procurement and construction funding for both a new LHD–8 amphibious assault ship and an additional large, medium-speed roll on/roll off ship.

We also authorize the Secretary of the Navy to enter into auxiliary ship leases for 20 or more years. This initiative should give service leaders more flexibility to invest resources into complex war fighting ships by relying more on qualified commercial ship owners to build and maintain the supply fleet.

Finally, Mr. President, long-range fleet planning will prompt the naval leadership to concentrate on developing a broad force structure to execute the National Security Strategy. For this reason, the conference report directs the Department of Defense to submit a report next February detailing the Navy's shipbuilding schedule and needed maritime capabilities through fiscal year 2030.

In summary, the fiscal year 2000 Defense authorization conference report address the key acquisition, research, hardware, and operational challenges that will provide the nation with a flexible and responsive 21st century fleet. I urge my colleagues to uphold a valuable tradition of the United States Senate by voting on a strong bipartisan basis in favor of this landmark legislation.

Mr. ROBERTS. The final version of S. 1059 also contains a provision, sponsored by the distinguished chairman and myself, requiring the President to certify whether the new Strategic Concept of NATO—the latest alliance blueprint for future operations adopted at the recent NATO summit here in Washington—contains new commitments and obligations for the United States. This body's experience with U.S. deployments to the Balkans bears out the fact that you better force the administration to be candid when it comes to the potential and actual use of American troops, particularly in regards to objectives, strategy, and timetable. It follows, therefore, you better formally require this administration to be candid about the defense planning and defense budget implications of the new Strategic Concept of NATO. I think the chairman and I have tried to do that with our provision and I look forward to the President's certification, due thirty days from the date S. 1059 becomes law.

Mr. INHOFE. Mr. President, a number of significant developments have occurred since the passage of last year's authorization conference report—some good, some less so. The best news is that this year's defense budget reverses a precipitous decline in defense spending.

For the first time in 15 years, we have finally passed an increase in defense spending, in real terms.

We have also included a 4.8 percent pay raise for our overburdened troops. These steps are long overdue, and we have been blocked at many turns by the Administration.

As many of our colleagues know, our forces are deployed in farflung places, many with little national interest or military requirement at stake. Yet, unfortunately, we have also had a hemorrhaging in the ranks, due to deep cuts from the Administration.

The numbers are staggering. In just the last six years, the following are among the forces which have been eliminated from the U.S. inventory: 709,000 regular service soldiers, 293,000 reserve troops, 8 standing Army divisions, 20 Air Force wings with 2,000 combat aircraft, 232 strategic bombers, 13 strategic ballistic missile submarines with 3,114 nuclear warheads on 232 missiles, 500 land-based intercontinental ballistic missiles with 1,950 warheads, 4 aircraft carriers, and 121 combat ships and submarines along with their support bases and shipyards.

When Bill Clinton took office in 1993, the United States devoted 4.5 percent of its gross domestic product (GDP) to national defense.

Today, defense outlays account for just 3 percent of GDP—their lowest level since the end of World War II.

By Inauguration Day 2001, defense spending is projected to have plummeted to 2.8 percent of GDP.

Mr. President, this is a good bill. It has a number of important components to it, most of all the overall spending hike and pay raise. As the Chairman of the Readiness and Management Support Subcommittee Infrastructure, we were able to address a number of important issues this year.

Milcon: We authorized $8.49 billion for milcon, $3.06 billion above the Administration's request, with a strong emphasis on family housing and decaying infrastructure.

Range Withdrawal: we have allowed critical readiness training to occur for

the next 25 years on some of our critical ranges in the West.

Spectrum: the spectrum was protected from a corporate takeover, allowing crucial bandwidth to be maintained by the military.

At the same time, this bill simply does not go far enough. Under no proposed budget currently on the table is there a substantial increase in defense spending, like we need. In a budget approaching $2 trillion, we ought to be able to find the less than $100 billion it would take to truly restore our readiness.

It is time to reverse these trends. It is time to take prudent steps to rebuild our defenses to protect our people, our values and our country. I look forward to working toward that goal as a major priority in the year ahead.

Mr. ALLARD. Mr. President, before I begin my remarks concerning the specifics of the conference report, I want to congratulate Chairman WARNER and Senator LEVIN, for all their hard work on this bill. I believe we have a strong bill which makes dramatic improvements for our military men and women.

Also, I want to say that I feel honored to be a part of the Armed Services Committee. It is not too often that a first year member of the committee becomes a Subcommittee Chair. It has been a learning experience but one that I have enjoyed as much as any time during my years in office.

We rightly began the year with S.4, the Soldiers, Sailors, Airmen, and Marines Bill of Rights and this has been our guide which brought us to this point. And, I am proud of the many achievements in this conference report.

Specifically, the Personnel Subcommittee held four hearings in preparation of this important bill. Through these hearings, we explored recruiting, retention, pay and compensation, military and civilian personnel management and the military health care system.

During these hearings, particular emphasis was put on readiness, the retention of highly trained people and the inability of the military services to achieve their recruiting goals.

General Shelton and the Service Chiefs urged the President and the Congress to support a military pay raise that would begin to address inequities between military pay and civilian wages, and to resolve the inequity of the ''Redux'' retirement system.

This conference report will provide military personnel a four-point-eight percent pay raise on January 1, 2000, and will require that, for the next six years, military pay raises be based on the annual increase in the Employment Cost Index plus one-half a percent.

The bill restructures the military pay tables to recognize the value of promotions and to weight the pay raise toward mid-career NCOs and officers where retention is most critical.

The Joint Chiefs testified that there is a pay gap between military and private sector wages of 14 percent. This bill moves aggressively to close this gap and ensure military personnel are compensated in an equitable manner.

The conference report includes over $250 million specifically to reduce the out-of-pocket housing expense for military personnel and their families.

The conference report provides military personnel who entered the service after July 31, 1986 the option to revert to the previous military retirement system that provided at 50 percent multiplier to their base pay averaged over their highest three years and includes full cost-of-living adjustments; or, to accept a $30,000 bonus and remain under the ''Redux'' retirement system.

The Joint Chiefs testified that the ''Redux'' retirement system is responsible for an increasing number of mid-career military personnel deciding to leave the service. The conference report will offer these highly trained personnel an attractive incentive to continue to serve a full career.

We have authorized a Thrift Savings Plan that will allow service members to save up to five percent of their base pay, before taxes, and will permit them to directly deposit their enlistment and re-enlistment bonuses, up to the limits established by the IRS, into their Thrift Savings Plan.

The bill authorizes Service Secretaries to offer to match the Thrift Savings Plan contributions of those service members serving in critical specialities for a period of six years in return for a six year service commitment. This is a powerful tool to assist the services in retaining key personnel in the most critical specialities.

In addition to the pay increase, the re-engineering of the military retirement system and the Thrift Savings Plan, we have taken dramatic steps to assist military recruiters and re-enlistment NCOs by authorizing new and increased bonuses and incentives to attract high quality young men and women to join the military services and to stay once they become trained and experienced professionals.

We targeted these incentives and bonuses at those critical specialities which the services are having difficulty filling.

The Committee has found that the single most frequent reason departing service members cite when asked why they decided to leave the military is excessive time on deployment—too much time away from home and family.

We are all well aware that the Clinton administration has deployed military personnel more than at any previous time in our history.

The conference report includes a provision that will require the military services to manage the deployment of military personnel within strict time lines. The provision does provide the Secretary of Defense board waiver authority to ensure that military readiness or national security will not be compromised. However, during normal operations, the services will be required to minimize the impact of deployments and track the details that separate a service member from his or her family. This provision will be an important step toward retaining the trained and experienced personnel the services are now losing at an alarming rate.

I am sure each Senator has received complaints from constituents regarding the TRICARE health care system. The original Senate bill and the conference report take important steps towards improving the TRICARE health care system of the military services.

The conference report directs a totally revamped pharmacy benefit, improves access to care and claims processing, reduces the administrative burden on beneficiaries, enhances the dental benefits, and requires the establishment of a beneficiary advocate to assist service members, retirees and their families who are experiencing difficulty with the TRICARE system.

While this conference report has taken a number of important steps toward resolving the most frequent complaints against TRICARE, during the next year the Chairman and I intend to continue to pursue ways to further improve and streamline the military health care system.

I have described just a few of the many personnel related provisions in this conference report. As we are all aware, recruiting and retention in the military services is suffering. We simply cannot allow the best military force in the world wither away.

As I and other Members of the Senate have visited military bases here in the United States, in Bosnia and in other deployment areas, we have found that our young service men and women are doing a tremendous job, under adverse conditions in many cases.

We should move quickly to pass this conference report in order to permit military personnel and their families to make the decision to continue to serve and will assist the military services in recruiting the high quality force we have worked so hard to achieve.

There are many other issues outside of the personnel area that I wish I could touch on but there is just not enough time. However, I would like to mention one in particular and that concerns Rocky Flats.

The conference Report has four very important provisions which will help ensure that the Rocky Flats Environmental Technology Site will close safely and efficiently by the year 2006.

First, the bill authorizes $1.1 billion for all closure projects, with Rocky Flats receiving an extra $15 million above the President's request to help ensure closure by 2006. Second, there is a three year pilot program (FY 2000–2002) authorizing the Secretary of Energy to allocate up to $15 million of prior year unobligated balances in the defense environmental management account for accelerated cleanup at Rocky Flats. This provision could provide $45 million extra for Rocky Flats

through the year 2002. Third, we are requiring the Secretary of Energy to provide a proposed schedule for the shipment of waste from Rocky Flats to the Waste Isolation Pilot Plant in New Mexico, including in the schedule a timetable for obtaining shipping containers. And fourth, the Comptroller General (GAO) must report on the progress of the closure of Rocky Flats by 2006.

Again, I want to state that I am proud of this Conference Report and what it provides for our military.

In conclusion, I want to recognize and thank the Staff Director of the Personnel Subcommittee Charlie Abell. He is a tremendous asset to me and my staff, the Armed Services Committee, and this Senate. Also, I want to let Senator CLELAND know how much I enjoy having him as my partner and ranking member of the Subcommittee. He is an American hero whose commitment in improving the lives of our military personnel is to be commended. And lastly, I want to thank the Chairman for this time to speak and I want to thank him for his commitment to the bill and to our brave and honorable men and women in uniform.

Mr. President, I yield the floor.

Mrs. HUTCHISON. Mr. President, I commend Armed Services Committee Chairman Senator JOHN WARNER and Ranking Member Senator CARL LEVIN for bringing this important bill to the floor. With the passage of this bill, we will begin to seriously address our military readiness problems. It is a good start. This bill includes many of the provisions of S.4, one of the first bills introduced in the Congress back in January and passed February 24, 1999. With the military having its worst recruiting year since 1979, the Congress needs to send a strong message of support to those who serve. The bill does just that by: Increasing pay for our service members by 4.8 percent, increasing and creating special incentive pays, improving retirement benefits, and improving benefits and management of the military health care program.

In am particularly pleased this bill includes two provisions I offered. The first concerns military health care and the second the current high operations tempo of our forces.

In February we emphatically recognized our commitment to these dedicated men and women when we passed 100–0 my Military Health Care Improvement Amendment to S.4, the Soldiers', Sailors', Airmen's, and Marine's Bill of Rights.

The message is loud and clear from my constituents: The military care benefit is no longer much of a benefit. I have no doubt my colleagues in the Senate have also heard equally valid complaints about access to care, unpaid bills, inadequate provider networks, and difficulties with claims. The promise seemed fairly simple—in return for military service and sacrifice, the government would provide health care to active duty members and their families, even after they retire. But of course it's more complicated than that. In the past 10 years, the military has downsized by over one third and the military health care system has downsized with it. While hospitals and clinics have closed, the number of personnel that rely on the system hasn't really changed. Today, our armed forces have more married service members with families than even before. In addition, those who have served and are now retired were promised quality health care as well. The system these individuals and families have been given to meet their needs is called ''TRICARE.'' TRICARE is not health care coverage, but a health care delivery system that provides varying levels of benefits depending largely on where a member of the military or a retiree lives. Unfortunately, what we find in practice is that the TRICARE program often provides spotty coverage.

The point I want to make clear is that regardless of the complications, the promise remains and we must deliver on the promise. When we passed my amendment 100–0, we sent a signal that we care and that we will be vigilant in pursuing this issue. Our purpose is not to throw out the TRICARE system but to fix the problems and improve the health care benefits under the TRICARE program. I am happy to report that the Authorization bill before us today addresses all the issues that were in my amendment to improve access to health care and management under the TRICARE program. These include: Minimizing the authorization and certification requirements imposed on beneficiaries, reducing claims processing time and providing incentives for electronic processing, improve TRICARE management and eliminate bureaucratic red tape, authorize reimbursement at higher rates where required to attract and retain qualified providers, compare health care coverage available under TRICARE to plans offered under the Federal Employees Health Benefits Program (FEHBP), allow reimbursement from third-party payers to military hospitals based on reasonable charges, and reporting to Congress on each of these initiatives.

One of the promises that we made to our forces is to provide quality medical care to those who serve and their families. General Dennis Reimer, the former Chief of Staff of the Army, spoke at the most recent conference on military health care. General Reimer provided a soldiers' perspective of how important health care is to those who serve. He said, ''this is about readiness and this is about quality of life linked together. We must ensure that we provide those young men and women who sacrifice and serve our country so well, and ask for so very little, the quality medical care that is the top priority for them . . . we must help them or else we're not going to be able to recruit this high quality force.''

During the past year I visited our troops in the Balkans and toured every single military installation in Texas. The visits provided marvelous snapshots of our armed forces today and the many challenges they face. At each stop I met with our soldiers, sailors, airmen, and their leaders and discussed their concerns. Health care for them and their families was at the top of their list. We have some truly wonderful young people serving in the armed forces who are very patriotic and ask very little of us in return. But frankly, we haven't done enough for them. I am pleased that the Senate Leadership and the Senate Armed Services Committee have made this a top priority this year.

Mr. President, the health care provisions in this bill will go a long way toward breaking down the bureaucracy that exists in the current system. I know that there is no single solution or quick fix to this problem, but we must begin now to ensure we honor our commitments. This is a critical issue to recruiting and retaining qualified people in the military—which is critical to the security of our country.

My second provision addresses another issue, which we passed as part of our Defense Authorization Bill. Pay and benefits increases are an important beginning, but we cannot ignore the high operations tempo and its impact on our readiness. Recently the Center for Strategic and International Studies completed a survey of over 11,000 military personnel from the Army and Coast Guard on the subject of military culture in the 21st Century. I participated as an advisor on this study and was just briefed on some of the key findings.

The really good news is that those surveyed told us: They were proud to serve, they believe the military is important in the world and the jobs they do are important to the mission, they have a deep personal commitment to serve, they believe the military is right to expect high standards of personal conduct off-duty, and they are prepared to lay their lives on the line.

Those responses are indicative of the kind of wonderful young people we have serving today in out armed forces, and we have a duty and an obligation to provide them with the equipment and the training and the quality of life they deserve.

But they also told us they felt strongly that: Their pay is inadequate, their unites have morale problems, units are often ''surprised'' by unexpected missions, they are ''stressed out'' from the frequent deployments, and they often don't have the resources they need to do their jobs.

These responses from soldiers in the field should not come as a surprise to anyone here. We know our troops are dedicated and committed and we also know they are stretched too thin. Secretary Cohen admitted as much last Spring in testimony before the Defense Appropriations Subcommittee when he said ''we have to few people and too

many missions.'' That fact is beginning to show in wear and tear on our forces and equipment.

There are too many deployments that never seem to end. We have troops coming home from a short tour in Korea and heading straight to Bosnia. At Fort Bliss recently one sergeant told of coming off a one year tour in Korea and then spending three short deployments of 5 months, 3 months and one month in Saudi Arabia . . . all in less than two years and she is now scheduled to return to Korea for another one-year tour. Fortunately this young sergeant was single and was not leaving a spouse and children behind, but for others these frequent deployments mean they must choose between the army and their family. The military has a saying—''you enlist a soldier—you reenlist a family.'' We are having a retention crisis because the families aren't reenlisting. And no wonder. They are jerked from one place to another because we are trying to do it all.

We will soon begin the fifth year of our supposedly ''one-year'' mission in Bosnia. U.S. troops have just spent their eighth summer in the deserts of southwest-Asia, we have troops in Kosovo and now East Timor. Thankfully, the mission to Haiti will soon end.

But these frequent deployments are having a devastating impact on our military readiness and jeopardizing our ability to respond where our national security interests may be threatened in Southwest Asia or the Koran peninsula.

We are seeing the effects of this over deployment on our equipment as well as on our forces. We hear of Air Force planes sitting idle for lack of spare parts. Navy ships that deploy without full crews. The Army and Marine Corps are forced to cannibalize equipment to field front-line units. These are not isolated incidents, these problems point to a larger readiness crisis affecting our military forces.

the recent Center for Strategic and International Studies' survey tells us that our military is comprised of dedicated and committed young men and women who tell us they are willing to lay down their lives for their country. We in the Congress must ensure that the missions on which they are asked to serve are important national security interests and represent the best use of our forces.

To begin to help us meet this responsibility, my provision included in this bill says it is a sense of Congress that the readiness of our military forces to execute the national security strategy is being eroded from a combination of declining defense budgets and expanded missions. It says to the President that we must have a report that prioritizes ongoing global missions. It must distinguish low-priority missions from high-priority missions. That is the basis to effectively manage our commitments, shift our resources, consolidate missions, and end low-priority missions.

It is time to assess where we are in the world and why, and to ask the President to prioritize all of these missions. Then Congress can work with the President to determine if we need to ramp up our military personnel strength or ramp down the number of deployments that we have around the world. The testimony of Secretary Cohen and the other Chiefs matches what I have seen and heard myself from our dedicated troops. The answer is one or the other, because the current situation is overextending our armed forces.

I am pleased to support this bill and acknowledge the effort and hard work of the members of the Armed Services Committee and their staff in bringing this bill to the floor. It is my hope that this bill will represent a turning point in arresting the decline of our military readiness.

Mr. HUTCHINSON. Mr. President, I rise today to express my support for overwhelming passage of the conference report to accompany S. 1059, the National Defense Authorization Act for Fiscal Year 2000. I would like to express my sincere appreciation and thanks to Chairman WARNER and ranking Member LEVIN for their efforts in crafting this important legislation.

This bill authorizes for the military the funds they need to adequately defend our country and protect our vital interests worldwide, $288.8 billion, which is $8.3 billion more than the President's inadequate request. After years of declining budgets and increased deployments, this legislation provides the military with their first funding increase since the end of the Cold War.

This bill carefully addresses a variety of important issues, from pay raises for our soldiers to restructuring the nation's nuclear laboratories in order to prevent any further espionage at our nation's nuclear laboratories.

While the Clinton Administration has over-extended and under-funded our military and has provided inexplicably slow and ineffective responses to Chinese spying, this Committee and the Congress as a whole has stepped up to face these challenges, and protect our national interests.

I would now like to take the opportunity to highlight some of the important provisions championed by the three subcommittees I serve on.

Subcommittee on Readiness and Management Support.—Before I had even joined the Armed Services Committee in January of this year, tangible evidence of a debilitating readiness crisis had emerged, a crisis that threatened the well being of America's armed forces.

On September 28th of last year, General Shelton confessed:

> I must admit up front that our forces are showing increasing signs of serious wear. Anecdotal and now measurable evidence indicates that our current readiness is fraying and that the long term health of the Total Force is in jeopardy.

I would note that General Shelton is not a soldier prone to hyperbole.

For their excellent work to combat the ''fraying of readiness'' described by General Shelton, Senators INHOFE and ROBB, respectively the Chairman and Ranking member of the Readiness and Management Support Subcommittee, deserve congratulations for the excellent work they have done in this area.

They have added more than $1.46 billion to the primary readiness accounts including funds for ammunition, training, base operations and essential infrastructure repairs including $380 million for base operations, $788 million for real property maintenance, and $172.9 million for training and war reserve ammunition.

In the area of military construction, the Subcommittee adopted significant changes to the law on economic development conveyances of base closure properties. Rural communities that have suffered through the closure of a military installation will no longer have to pay the government for the privilege of redeveloping their economies.

The Readiness Subcommittee also correctly rejected the President's irresponsible budgetary maneuvering which would have incrementally funded military construction projects.

Subcommittee on Strategic Forces.—The Subcommittee on Strategic Forces, capably led by Chairman SMITH of New Hampshire and Senator LANDRIEU of Louisiana, worked hard to ensure that American soldiers deployed overseas and American citizens asleep in their beds will be a little safer from the threat of ballistic missile attack.

The Subcommittee authorized an increase of $212 million for the Patriot PAC–3 anti-ballistic missile system to complete research and development and begin production soon.

If I can take a minute, I would like to repeat the last portion of that sentence and proudly brag about a product built by hundreds hardworking employees in my home state of Arkansas. The Patriot PAC–3 was the first dedicated, hit-to-kill, Theater Missile Defense (TMD) system that has successfully destroyed a target in a test.

But I digress. The Subcommittee authorized an additional $112 million for upgrades to the B–2 bomber system, which I would note for the benefit of the program's detractors, performed brilliantly during Operation Allied Force.

The Subcommittee also included a provision regarding DOD's theater missile defense upper-tier strategy, which would require that the Navy Upper Tier and THAAD systems be managed and funded as separate programs. The Administration must be reminded that it has repeatedly testified before this Committee that these programs are not interchangeable. They are complementary, both urgently needed, and must be treated as such.

But perhaps most importantly, it is within the Strategic Forces Subcommittee that the Armed Services Committee took the several important legislative actions to address the criminally lax security at our nation's nuclear laboratories. Lax security that allowed the People's Republic of China to steal the secrets produced by billions of dollars and four decades worth of taxpayer funded nuclear research.

Among the provisions recommended by the Subcommittee: The establishment of a semi-autonomous National Nuclear Security Administration within DOE under which all national security functions will be consolidated. Create a new Under Secretary of Energy to head the new Administration.

Created a new counterintelligence office reporting directly to the Secretary. Established clear lines of management authority for national security missions of the department. Protected the authority of the Secretary to ensure full compliance with all applicable environmental laws.

As millions of Americans woke up this year to be repeatedly confronted by the shocking truth of the Clinton Administration's casual, almost lackadaisical response to the systematic theft of highly classified nuclear secrets as reported in the Cox Committee's unanimous report, I hope they will find at least a little comfort in the knowledge that this Committee was ready to step forward, accept a challenge and shoulder the responsibility for our nation's nuclear security that this Administration repeatedly forfeited.

Subcommittee on AirLand Forces: Subcommittee Chairman RICK SANTORUM and Ranking Member JOSEPH LIEBERMAN also rolled up their sleeves, tackling the difficult readiness and modernization challenges posed by years of Clinton Administration neglect.

Most significantly, the Subcommittee fully authorized the budget request for the development and procurement of the F–22 Raptor aircraft. This aircraft is absolutely essential if Air Force is to continue its proud record of air-dominance over far away battlefields. America's military should never be forced by its Congress to fight a fair fight. When this nation must bear arms to protect its interests, it should always be aiming for a lopsided victory.

Also focusing on unfunded requirements identified by each of the services, the AirLand Forces Subcommittee made a number of changes to the President's request, addressing, among others, Army aviation shortfalls and night vision equipment shortfalls.

To conclude, I would like to again thank Chairman WARNER, and his dedicated, tireless staff, for their leadership and dedicated service.

Mr. President, I urge each of my colleagues to support this important legislation which contains many provisions which are vital to our nation's military. And I urge the President to sign this legislation into law as soon as he receives it. This bill will make needed improvements in the areas of military readiness, quality of life and modernization, and I hope the U.S. Senate will send a strong, bipartisan message in support of our men and women in uniform.

Mr. SESSIONS. Mr. President, I rise this evening in support of Chairman WARNER and the Senate Armed Services Committee Department of Defense Authorization bill S. 1059, which will be voted on tomorrow morning. This is a bill I strongly encourage my colleagues to support. It sends a powerful message to military men and women worldwide, that this body respects what they do for America each and every day, as they carry out a hundred different operations, in as many nations. We heard their voices and have done something positive in improving their quality of life and that of their families. We believe they deserve the best equipment American technology can produce.

The statements made by our Service Chiefs on our state of military readiness provided an azimuth for the committee back in January, and some 70+ hearings later we have a product which provides a funding level for new budget authority of $288.8 Billion, which is $8.3 Billion above the President's budget request.

The crisis in the Balkans followed this plea for more funding and Chairman WARNER responded with over 15 hearings on Kosovo and related activities. We learned of the shortfalls in our planning, and were proud to learn of the exploits of our men and women in uniform who have never let us down. We are, however, left to ponder the problems inherent in coalition warfare, and the direction of the new strategic concept in NATO.

Chinese Espionage too took us in yet another direction and the committee has responded with a real change in organization of the Department of Energy so that we do not fall once again into sloppy security awareness. This was truly a vexing problem that no doubt will haunt this nation for years to come. I hope the President will not hesitate in accepting these considered changes. This is a tough issue that warrants a firm solution.

Mr. President, this bill is just part of the work that lies ahead as we restore America's Defense to the status it deserves. I feel we are committed, on the Senate Armed Services Committee, to investigating the problems associated with: Cyber/Information warfare; WMD Proliferation; Chemical and Biological weapons; Organized Crime and Narcoterrorism.

Our troops are doing a great job the world over! They are truly the best led and trained in the world, and they deserve the best equipment, the best support and the most funding we can provide them.

To this end, I am please that Chairman WARNER accepted my amendment to this bill which calls for the Secretary of Defense to make the positions of the Chiefs of the Reserves and the two National Guard Directors hold three star rank. This bill mandates, it seems to me, that these key leaders, who do so much every day to help us keep the peace world-wide, must hold three star rank. I hope they soon will.

I again congratulate Chairman WARNER on bringing us so far in what certainly seems a short period of time. S. 1059 is a great bill. It needs all our support. I thank the Chair.

BAND 9/10 TRANSMITTERS

Mr. SANTORUM. Mr. President, I rise today to engage in a brief colloquy with our distinguished Chairman concerning the conference report that accompanies the fiscal year 2000 National Defense Authorization Act. It has come to my attention that page 526 of House Report 106–301 notes that the conferees to the bill agreed to authorize an increase of $25.0 million for the procurement of additional band 9/10 transmitters for the EA–6B tactical jamming aircraft. In reality, during conference negotiations, conferees agreed to authorize an additional $25.0 million for the procurement of modified band 9/10 transmitters.

Mr. WARNER. My distinguished colleague from Pennsylvania, the chairman of our air/land subcommittee, is absolutely correct. Committee records were reviewed, and the conferees to the fiscal year 2000 National Defense Authorization Act did, in fact, agree to increase the EA–6B authorization by $25.0 million for the procurement of modified band 9/10 transmitters. An error in the printing process was made, and the Government Printing Office will be preparing an errata sheet to correct this error.

Mr. SANTORUM. I thank the chairman for his assistance in clarifying this matter.

Mr. WARNER. Mr. President, I know of no further business on this bill. 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.

Mr. WARNER. By previous order, the distinguished majority leader has indicated that at the hour of 9:45 tomorrow morning, this will be the pending business for the purpose of the recorded rollcall vote.

Am I correct?

The PRESIDING OFFICER. The Senator is correct.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent 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.

ELK HILLS RESERVE

Mrs. FEINSTEIN. Mr. President, I was dismayed to learn that the Senate

Interior Appropriations budget has zeroed out funding to the State of California for its share of the Elk Hills Naval Petroleum Reserve Settlement. By right, the State should receive $36 million this year. This is the money that California gives to retired teachers whose pensions have been most seriously eroded by inflation.

Here is the brief history of the issue: In 1996, Congress authorized the sale of Elk Hills Naval Reserve. However, a portion of the property consisted of more than 1300 acres of school lands owned by the state of California. Until the California's land claims were resolved, the sale could not go forward. Ultimately the Federal Government reached an agreement with California in which the state released its claim in exchange for installment payments over a seven-year period.

The settlement allowed the federal government to sell the reserve for $3.65 billion. California kept its part of the bargain. Now the Federal government must meet its obligations. Last year the first installment of the $36 million was paid. But six years of installments remain.

Actually, the money needed to compensate the state had been waiting in escrow.

The House has properly allocated $36 million in the House Interior Appropriations Bill.

I am hopeful that the Senate will also recognize the importance of keeping the Federal government's end of the bargain. I look forward to working with my colleagues to ensure that the House appropriation of $36 million be upheld in Conference.

THE WILDERNESS ACT

Mr. BINGAMAN. Mr. President, I rise today to commemorate the 35th anniversary of the Wilderness Act. Specifically, I would like to speak about the invaluable contribution of New Mexico Senator Clinton P. Anderson in steering the wilderness legislation through Congress and securing final passage. I also will describe how the Gila Wilderness in New Mexico came to be created, the first such designation in the world, forty years prior to enactment of the Wilderness Act. Finally, in my remarks today, I will mention a related bill that I recently introduced, S. 864, the ''Earth Day'' Act.

On September 3, 1964, President Johnson signed the Wilderness Act into law creating the national wilderness preservation system. In order to assure that some lands will be protected in their natural condition, Congress declared a policy of securing for present and future generations of Americans ''the benefits of an enduring resource of wilderness.'' Certain provisions of the Wilderness Act are unique among the U.S. Code because they read more like poetry than the fodder of legislators and lawyers. For example, the Act defines wilderness as ''an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.''

Why celebrate the anniversary of the Wilderness Act? Since its enactment, the national wilderness preservation system has grown from 9 million acres to 104 million acres—I believe these figures reflect the popularity of and support for wilderness. There are many compelling reasons for preserving wilderness. Wilderness areas protect watersheds and soils, serve as wildlife and plant habitat, and give humans the opportunity to experience solitude in nature. I think Clinton Anderson best described the meaning of wilderness in this eloquent statement:

> Conservation is to a democratic government by free men as the roots of a tree are to its leaves. We must be willing wisely to nurture and use our resources if we are going to keep visible the inner strengths of democracy.
>
> For as we have and hold dear our practices of conservation, we say to the other peoples of the world that ours is not an exploitative society—solely materialistic in outlook. We take a positive position—conservation means that we have faith that our way of life will go on and we are surely building for those who we know will follow . . .
>
> There is a spiritual value to conservation and wilderness typifies this. Wilderness is a demonstration by our people that we can put aside a portion of this which we have as a tribute to the Maker and say—this we will leave as we found it.
>
> Wilderness is an anchor to windward. Knowing it is there, we can also know that we are still a rich nation, tending to our resources as we should—not a people in despair scratching every last nook and cranny of our land for a board of lumber, a barrel of oil, or a tank of water.

Senator Anderson's words are particularly meaningful because of his role as the tenacious and determined leader in Congress who secured passage of the Wilderness Act as many years ago. In fact, former Forest Service Chief Richard McArdle stated that, ''Without Clinton Anderson there would have been no Wilderness Law.''

In his first substantive act as the new Chairman of the Committee on Interior and Insular Affairs, on January 5, 1961, Clinton Anderson introduced a bill to establish and maintain a national wilderness system. Although similar wilderness bills had been introduced in previous Congresses, it was Senator Anderson's bill that was first reported by the Committee and, later that year, the first to pass the Senate. The vote on his bill was decisive, 78 to 8. Senator Frank Church wrote to Senator Anderson that:

> The fact that you were chief sponsor of the bill was in large measure responsible for the big endorsement it received on final passage.

Unfortunately, the House was not yet ready to seriously consider a wilderness bill and the 87th Congress adjourned without enactment of the Wilderness Act.

In 1963, Senator Anderson introduced the Wilderness bill once again. Successfully steering the bill through Committee consideration, the full Senate overwhelmingly passed the bill three months into the term of the 88th Congress. He then crafted the legislative trade that ultimately resulted in House passage of the wilderness bill—key House members wanted legislation creating the Public Land Law Review Commission. Both pieces of legislation were signed in 1964.

Upon signing the Wilderness Act into law, President Johnson gave Senator Anderson special commendation by stating that he had been ''in the forefront of conservation legislation since he first came to the House in 1941.''

In recalling the 35th anniversary of the passage of the Wilderness Act, it is fitting to observe that this year is also the 75th anniversary of Federal wilderness protection.

On June 3, 1924, the Forest Service designated 755,000 acres of national forest land in New Mexico as the Gila Wilderness. This unprecedented act took place forty years prior to passage of the Wilderness Act and was the first such designation in the world. It all began through the foresight and leadership of a young Forest Service manager in New Mexico named Aldo Leopold. He had worked for the Forest Service in the Southwest in a variety of different positions, including as a Ranger on the Gila National Forest.

Leopold felt that preservation had been neglected on the national forests. He foresaw the importance of preserving the biological diversity and natural systems giving way to development.

Leopold once wrote that ''a thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community.''

He argued against the proposed expansion of a road system into the back country of the Gila National Forest and proposed instead that a large area be left roadless and preserved for wilderness recreation.

Today the Gila Wilderness is inhabited by bear, deer, elk, beaver, bobcat, mountain lion, antelope, and wild turkey. It is a favorite destination for hikers, backpackers, and anglers who enjoy its 19 miles of fishing streams.

The Gila Wilderness contains the cliff dwellings of the ancient Mogollon civilization as well as the campsites and battlegrounds of the Apache and the U.S. Cavalry. In fact, John Murray wrote in his book, ''The Gila Wilderness: A Hiking Guide,'' that ''no other wilderness area in the Southwest so much embodies and reflects this national history and natural philosophy as does the Gila.'' He went on to note that ''many of the important events in the development of the region, from the first expedition of Coronado in 1541 to the more recent raids of Geronimo, occurred either directly in the Gila Wilderness Area or in the immediate vicinity.''

Leopold would go on to become one of America's greatest naturalists. His accomplishments include publication of ''A Sand County Almanac,'' one of the most influential books ever written

about the relationship of people to their lands and waters.

Our nation continues to need opportunities to reflect on the importance of preserving our national world. The celebration of Earth Day each year on April 22nd is an effective way to remind us of the significance of the environment and of accomplishments such as the Wilderness Act. S. 864, the ''Earth Day Act'', is a bill that I introduced last April along with Senator CHAFEE. It has since gained nine additional bipartisan cosponsors. The purpose of S. 864 is to officially and permanently designate April 22nd as Earth Day.

The first Earth Day was 29 years ago, in 1970, and was first conceived of by our former colleague, Senator Gaylord Nelson. That first Earth Day involved some 20 million Americans. Since then, Earth Day has focused the attention of the country and the world on the importance of preserving and maintaining our environment. I believe the nation owes a great debt of gratitude to Senator Neslon for his leadership in creating Earth Day, and that we should recognize the importance it has assumed in our nation's life.

It is my sincere hope the Senate Judiciary Committee will hold hearings on S. 864, and that the Senate will pass the bill by the end of this year. It is my goal to have the President sign S. 864 into law by the time Earth Day 2000 arrives. I invite all of my colleagues to cosponsor this bill.

GOVERNMENT LAND PURCHASES

Mrs. FEINSTEIN. Mr. President, I wish to thank Senator GORTON and Senator BYRD for all their hard work on the Appropriations Interior Subcommittee for bringing this bill to the floor.

In 1994, I authored the Desert Protection Act, which created two new national parks, Joshua Tree and Death Valley along with the Mojave National Preserve and 100 wilderness areas; thereby promising to protect more than 6 million acres of desert property. However, these parks and wilderness areas still contain hundreds of thousands of acres of private inholdings.

Earlier this year, the Wildlands Conservancy, a California non-profit, negotiated a one-time deal whereby nearly 500,000 acres of these inholdings, many of which are owned by the Catellus Corporation would be purchased by matching $36 million in funds from the Federal Land and Water Conservation Fund with $26 million in private donations.

Catellus, the Wildlands Conservancy, and the U.S. Bureau of Land Management subsequently signed a letter of intent to sell to the Federal Government up to 437,000 acres of California desert owned by Catellus. An additional 20,000 acres of property owned by others within Joshua Tree National Park would be bought and preserved.

All told, up to 483,000 acres of private inholdings in the California Desert will be acquired, ensuring public access to over 4 million acres of Federal national parks and wilderness areas in the California Desert.

The location of these particular inholdings are significant because this area serves as the gateway for both private landowners and for people who wish to use the public portions of the preserve. Acquiring this checkerboard of inholdings is the only to assure public access for the lands provided for in the California Desert Protection Act.

If the government does not purchase these lands the Historic Mojave Road and the East Mojave Heritage Trail are likely to be closed and it is also possible that there will be no more public access to large portions of the Mojave!

Government acquisition of these lands will protect endangered species habitat, keep the fragile Desert ecosystem intact, and improve recreation opportunities and access for millions of Americans.

This proposal enjoys overwhelming support from community activists, conservationists, private industry, elected officials, Democrats, Republicans, and everyone who recognizes what a great deal this is for the U.S. Government. In fact, even most opponents of the California Desert Protection Act support this appropriation because of the issue of public access. If these lands are not purchased by the government, 1,500 miles of roads will be closed off to hunters, recreationists and the general public.

This Interior Appropriations bill contains a line item of $15.1 million for the phase 1 purchase of these lands. Presently, there is no allocation in the House Interior Appropriations bill to fulfill the Federal Government's end of the bargain. These purchases have been held hostage in the House as a result of an unrelated U.S. Army expansion. Although this military issue does not directly affect any of the Catellus land holdings, it is preventing the appropriation of the necessary funding to execute these land purchases.

I look forward to working with my colleagues in the Conference committee to ensure that the government follow through on its commitment to purchase these lands.

1999 NATIONAL MINORITY MANUFACTURER FIRM OF THE YEAR

Mr. NICKLES. Mr. President, I rise today to recognize an outstanding Oklahoman, John Lopez, whose achievements have just earned him a major award—his firm, Lopez Foods, has been selected by the U.S. Department of Commerce as the 1999 National Minority Manufacturer Firm of the Year.

John spent several years honing his business skills as an independent owner-operator of four thriving McDonald's restaurants. Seven years ago, he sold his restaurants and purchased controlling interest in the company that now bears his name. John is Chairman and CEO of Lopez Foods, an Oklahoma City meat producer that is among the select few beef and pork suppliers for McDonald's 25,000 restaurants.

John took a struggling company and turned it into a vital force in Oklahoma's economy. He has had tempting offers to relocate to other states but has remained steadfastly loyal to Oklahoma and his workers. Leveraging his understanding of McDonald's standards and management philosophy, he has continually expanded and modernized his operation, bringing it to the forefront in food safety, worker conditions, and diversity. Today, a $160 million business with over 300 employees, Lopez Foods is ranked third among all U.S. Hispanic-owned manufacturing companies.

A long time champion of minority employment opportunities, he has strengthened his diversity program, such that minorities now make up nearly 55 percent of his workforce. John was selected by the National Hispanic Employees' Association as its 1997 Entrepreneur of the Year.

John also actively supports charitable endeavors that give back to the community, notably the Ronald McDonald House Charities. The United Way and the Jim Thorpe Rehabilitation Foundation benefit from his support as well.

Mr. President, the Commerce Department's award is a fitting tribute to a dynamic Oklahoman who continues to make a difference for our state and our nation. Congratulations to John Lopez, community leader, compassionate citizen, and founder and head of the National Minority Manufacturer Firm of the Year.

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 treaties which were referred to the appropriate committees.

REPORT ON THE CONTINUATION OF THE EMERGENCY WITH RESPECT TO UNITA—MESSAGE FROM THE PRESIDENT—PM 58

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the

anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola (UNITA) is to continue in effect beyond September 26, 1999, to the Federal Register for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolutions 864 (1993), 1127 (1997), 1173 (1998), and 1176 (1998) continue to oblige all member states to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the prospect for peace in Angola. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on UNITA to reduce its ability to pursue its military campaigns.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1999.*

NOTICE—CONTINUATION OF EMERGENCY WITH RESPECT TO UNITA

On September 26, 1993, by Executive Order 12865, I declared a national emergency to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the actions and policies of the National Union of the Total Independence of Angola (UNITA), prohibiting the sale or supply by United States persons or from the United States, or using U.S. registered vessels or aircraft, or arms, related materiel of all types, petroleum, and petroleum products to the territory of Angola, other than through designated points of entry. The order also prohibits the sale or supply of such commodities to UNITA. On December 12, 1997, in order to take additional steps with respect to the national emergency declared in Executive Order 12865, I issued Executive Order 13069, closing all UNITA offices in the United States and imposing additional sanctions with regard to the sale or supply of aircraft or aircraft parts, the granting of take-off, landing and overflight permission, and the provision of certain aircraft-related services. On August 18, 1998, in order to take further steps with respect to the national emergency declared in Executive Order 12865, I issued Executive Order 13098, blocking all property and interests in property of UNITA and designated UNITA officials and adult members of their immediate families, prohibiting the importation of certain diamonds exported from Angola, and imposing additional sanctions with regard to the sale or supply of equipment used in mining, motorized vehicles, watercraft, spare parts for motorized vehicles or watercraft, mining services, and ground or waterborne transportation services.

Because of our continuing international obligations and because of the prejudicial effect that discontinuation of the sanctions would have on prospects for peace in Angola, the national emergency declared on September 26, 1993, and the measures adopted pursuant thereto to deal with that emergency, must continue in effect beyond September 26, 1999. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to UNITA.

This notice shall be published in the Federal Register and transmitted to the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1999.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2490. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 2587. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

S. 380. An act to reauthorize the Congressional Award Act.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and place on the calendar:

H.R. 17. An act to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contrast sanctity, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5211. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received September 13, 1999; to the Committee on Governmental Affairs.

EC–5212. A communication from the Deputy Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Public Financial Disclosure Gifts Waiver Provision'' (RIN3209–AA00), received September 9, 1999; to the Committee on Governmental Affairs.

EC–5213. A communication from the Acting Chief, Network Services Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Telecom Act of 1996: Telecom Carriers' Use of Customer Proprietary Network Info and Other Customer Info; Implementation of the Local Competition Provisions of the Telecom Act of 1996; Provision of Directory Listing Info Under the Telecom Act of 1934, As Amended'' (FCC No. 99–227) (CC Docs. 96–115, 96–98, 99—273), received September 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5214. A communication from the Deputy Assistant Administrator, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Grant Administration Terms and Conditions of the Coastal Ocean Program; Notice for Financial Assistance for Project Research Grants and Cooperative Agreements'' (RIN0648–ZA67), Received September 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5215. A communication from the Senior Attorney, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Code-Sharing Arrangements and Long-Term Wet Leases (Notice of Effective and Compliance Dates)'' (RIN2105–AC10) (1999–0003), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5216. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Information Security Oversight Office; Classified National Security Information'' (RIN3095–AA92), received September 14, 1999; to the Committee on Governmental Affairs.

EC–5217. A communication from the Administrator, Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program: Electronic Benefit Transfer Benefits Adjustments'' (RIN0584–AC61), received September 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5218. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Review of Exchange Disciplinary, Access Denial or Other Adverse Actions; Review of NFA Decisions; Corrections'', received September 13, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5219. A communication from the Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Exports and Reexports for Syrian Civilian Passenger Aircraft Safety of Flight'' (RIN0694–AB92), received September 14, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5220. A communication from the Deputy Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Reexports to Libya of Foreign Registered Aircraft Subject to EAR'' (RIN0694–AB94), received September 14, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5221. A communication from the Director, Corporate Policy and Research Department, Pension Guaranty Corporation, transmitting, pursuant to law, the report of a rule

entitled ''Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits'', received September 14, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5222. A communication from the Deputy Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Eagle Transportation Permits for American Indians and Public Institutions'' (RIN1018–AB81), received September 14, 1999; to the Committee on Environment and Public Works.

EC–5223. A communication from the Attorney Advisor, Office of the Chief Counsel, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Truck Size and Weight; Definitions; Nondivisible'' (RIN2125–AE43), received September 9, 1999; to the Committee on Environment and Public Works.

EC–5224. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Manufacturing Technology Program'' (DFARS Case 98–D306), received September 13, 1999; to the Committee on Armed Services.

EC–5225. A communication from the Assistant General Counsel For Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Quality Assurance Management System Guide'' (DOE G 414.1–2), received September 13, 1999; to the Committee on Energy and Natural Resources.

EC–5226. A communication from the Assistant General Counsel For Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Sealed Radioactive Source Accountability and Control Guide'' (DOE G 441.1–13), received September 13, 1999; to the Committee on Energy and Natural Resources.

EC–5227. A communication from the Assistant General Counsel For Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Portable Monitoring Instrument Calibration Guide'' (DOE G 441.1–7), received September 13, 1999; to the Committee on Energy and Natural Resources.

EC–5228. A communication from the Assistant General Counsel For Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Integrated Safety Management System Guide (Vols. 1 and 2)'' (DOE G 450.4–1A), received September 1, 1999; to the Committee on Energy and Natural Resources.

EC–5229. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna: Adjustment of General Category Daily Retention Limit on Previously Designated Restricted Fishing Days'' (I.D. 0729992), received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5230. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna: Harpoon Category Closure'' (I.D. 071399A), received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5231. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel to Vessels Using ''Other Gear'' in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands'', received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5232. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Central Regulatory Area of the Gulf of Alaska for Pelagic Shelf Rockfish'', received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5233. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Central Regulatory Area of the Gulf of Alaska for Pacific Ocean Perch'', received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5234. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Central Regulatory Area of the Gulf of Alaska for Northern Rockfish'', received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5235. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska'', received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5236. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Western Regulatory Area of the Gulf of Alaska'', received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5237. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Disaster Assistance Program for the Northeast Multispecies Fishery Failure'' (RIN0648–AM68), received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5238. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Northern Anchovy Fishery; Quota for 1999–2000 Fishing Year'' (RIN0648–AM20), received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5239. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement the Approved Provisions of a Regulatory Amendment Prepared by the Gulf of Mexico Fishery Management Council in Accordance with the Framework Procedures for Adjusting Management Measures of the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico'' (RIN9548–AM66), received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5240. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Advance Notice of Proposed Rulemaking; Notice of a Control Date for the Purposes of Controlling Capacity or Latent Effort in the Northeast Multispecies and Atlantic Sea Scallop Fisheries'' (RIN9548–AM99), received September 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5241. 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 Models DHC–6–1, DHC–6–100, DHC–6–200, and DHC–6–300 Airplanes; Docket No. 97 CE–10 (8–31/9–2)'' (RIN2120–AA64) (1999–0324), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5242. 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: Short Brothers Models SD3–SHERPA, SD3–SHERPA, SD3–30, and SD3–60 Series Airplanes; Docket No. 99 NM–12 (9–1/9–2)'' (RIN2120–AA64) (1999–0330), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5243. 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: Short Brothers Models SD3–30 Series Airplanes; Docket No. 99 NM–349 (8–31/9–2)'' (RIN2120–AA64) (1999–03230), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5244. 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: Short Brothers Models SD3–SHERPA, SD3–60 SHERPA, SD3–30, and SD3–60 Series Airplanes; Docket No. 98–NM–369 (8–31/9–2)'' (RIN2120–AA64) (1999–0319), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5245. 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: McDonnell Douglas MD–30 Series Airplanes; Docket No. 98–NM–69 (9–3/9–9)'' (RIN2120–AA64) (1999–0337), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5246. 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: McDonnell Douglas DC–9–10, –20, –30, –40, and –50 Series Airplanes, and C–9 (Military) Airplanes; Correction; Docket No. 97–NM–49 (9–10/9–13)'' (RIN2120–AA64) (1999–0341), received September 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5247. 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: Cessna Aircraft Company Model 172R Airplanes; Request for Comments; Docket No. 99–CE–55 (9–1/9–2)'' (RIN2120–AA64) (1999–0333), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5248. 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: Dornier Model 328–100 Series Airplanes; Docket No. 98–NM–112 (9–3/9–9)'' (RIN2120–AA64) (1999–0338), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5249. 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: Dornier Model 328–100 Series Airplanes; Docket No. 96–NM–113'' (RIN2120–AA64) (1999–0332), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5250. 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: Fokker Model F27 Mark 050 Series Airplanes; Request for Comments; Docket No. 99–NM–224 (8–31/9–2)'' (RIN2120–AA64) (1999–0323), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5251. 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: Fokker Model F27 Series Airplanes Equipped with Rolls Royce 532–7 'Dart 7' (Rda–7) Series Engines; Docket No. 98–NM–364 (9–3/9–9)'' (RIN2120–AA64) (1999–0339), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5252. 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: General Electric Company CF6–50, –80A1/A3, and 80C2A Series Turbofan Engines; Docket No. 98–ANE–54 (9–3/9–9)'' (RIN2120–AA64) (1999–0336), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5253. 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: General Electric Company CF6–80A1/A3 and CF6–80C2A Series Turbofan Engines, Installed on Airbus Industrie A300–0 and A310 Series Airplanes; Request for Comments; Docket No. 99–NE–41 (9–3/9–9)'' (RIN2120–AA64) (1999–0340), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5254. 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: Dowly Aerospace Propellers Model R381/–123–F/5 Propellers; Request for Comments; Docket No. 99–NE–43 (9–1/9–2)'' (RIN2120–AA64) (1999–0331), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5255. 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, Inc. Model 205–A–1 and 205B Helicopters; Docket No. 98–SW–2 (8–31/9–2)'' (RIN2120–AA64) (1999–0329), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5256. 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: Aerospatial Model ATR42–300 and ATR2–320 Series; Docket No. 98–NM–201(8–31/9–2)'' (RIN2120–AA64) (1999–0329), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5257. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Beech Models C90A, B200, B300, and 1900A Airplanes; Request for Comments; Docket No. 99–CE–56 (8–31/9–2)'' (RIN2120–AA64) (1999–0321), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5258. 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: Israel Aircraft Industries, Ltd. Model 1124 and 1124A Series Airplanes; Docket No. 99–NM–332'' (RIN2120–AA64) (1999–0322), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5259. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Legal Description of the Riverside, March Air Force Base (AFB), Class C Airspace Area: CA; Docket No. 99–AWA–1'' (RIN2120–AA66) (1999–0285), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5260. 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 ''Procedures for Protests and Contract Disputes; Amendment of Equal Access to Justice Act Regulations; Correction'' (RIN2120–AG19) (1999–0002), received September 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5261. 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 ''Change Using Agency for Restricted Areas R–2510A and R–2510B; El Centro, CA; Docket No. 99–AWP–18 (9–2/9–8)'' (RIN2120–AA66) (1999–0300), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5262. 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 ''Amend Title of the Vancouver, BC Class C 7 D Airspace, Point Roberts, WA; Docket No. 99–AWA–11 (9–1/9–9)'' (RIN2120–AA66) (1999–0294), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5263. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Name Change of Guam Island, Agana NAS, GU Class D Airspace Area: Final Rule, Correction and Delay of Effective Date; Docket No. 99–AWP–9 (9–2/9–9)'' (RIN2120–AA66) (1999–0297), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5264. 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 ''Amend Controlling Agency Title for Restricted Area R–7104, Vieques Island, PR; Docket No. 99–ASO–11 (9–1/9–9)'' (RIN2120–AA66) (1999–0293), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5265. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Time of Designation and Using Agency for Restricted Area R–2211 (R–2211), Blair Lakes, AK; Docket No. 99–AAL–13 (9–2/9–9)'' (RIN2120–AA66) (1999–0296), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5266. 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 ''Realignment of Federal Airway; Rochester, MN; Docket No. 99–AGL–37 (9–7/9–9)'' (RIN2120–AA66) (1999–0289), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5267. 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 ''Realignment of Federal Airway; Columbus, NE; Docket No. 98–AGL–49 (9–7/9–9)'' (RIN2120–AA66) (1999–0290), received September 9, 1999; to the Committee on Commerce, Science, and Transportation.

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. INHOFE:

S. 1602. A bill to require the closure of Naval Station Roosevelt Roads, Puerto Rico upon termination of Armed Forces use of training ranges on the island of Vieques, Puerto Rico, involving live munitions impact; to the Committee on Armed Services.

By Mr. BINGAMAN:

S. 1603. A bill to improve teacher quality, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mrs. MURRAY, and Mr. COCHRAN):

S. 1604. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements with respect to certain teacher technology provisions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM:

S. 1605. A bill to establish a program of formula grants to the States for programs to provide pregnant women with alternatives to

abortion, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 1606. A bill to reenact chapter 12 of title 11, United States Code, and for other purposes; read the first time.

By Mr. ASHCROFT:

S. 1607. A bill to ensure that the United States Armed Forces are not endangered by placement under foreign command for military operations of the United Nations, and for other purposes; to the Committee on Foreign Relations.

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

S. 1608. A bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself, Mr. ABRAHAM, Mr. BENNETT, Mr. ROBERTS, Mr. BURNS, and Mr. HAGEL):

S. 1609. A bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program; to the Committee on Finance.

By Mr. EDWARDS (for himself and Mr. ROBB):

S. 1610. A bill to authorize additional emergency disaster relief for victims of Hurricane Dennis and Hurricane Floyd; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM:

S. 1605. A bill to establish a program of formula grants to the States for programs to provide pregnant women with alternatives to abortion, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE WOMEN AND CHILDREN'S RESOURCES ACT

Mr. SANTORUM. Mr. President, I rise today to introduce legislation that offers compassionate choices for women facing unplanned pregnancies. This bill, the Women and Children's Resources Act, establishes an $85 million formula grant program to provide pregnant women with alternatives to abortion.

The Women and Children's Resources Act (WCRA) is modeled after a successful program in Pennsylvania, Project Women In Need (WIN). This program was created under the Administration of former Governor Robert Casey and implemented during the current Administration of Governor Tom Ridge. Project WIN has filled a critical void for women seeking support during this confusing and uncertain time. The centers often receive 500 calls per week.

This legislation is designed to meet the needs of women facing one of the most important decisions of their lives. WCRA is intended to link women to a network of supportive organizations who are ready and willing to offer assistance in the form of pregnancy testing, adoption information, prenatal and postpartum health care, maternity and baby clothing, food, diapers and information on childbirth and parenting. Women can also receive referrals for housing, education, and vocational training. This bill seeks to provide compassionate choices to women; it is an effort to reach out to women and let them know they do not have to face this decision alone.

The bill directs federal funding to states through a formula based on the number of out-of-wedlock births and abortions in a state as compared to this sum for the nation. Upon receipt of this grant, states will select their prime contractors from the private sector to administer the program. The prime contractor will distribute Women and Children's Resources Grants to crisis pregnancy centers, maternity homes, and adoption services on a fee-for-service basis. Faith-based providers may also participate in the program, but they may not proselytize. Further, state-wide toll-free referral systems and other methods of advertisement will be established to make these services readily available to pregnant women and their children. Low-income women will be given priority for these services.

Because WCRA seeks to offer alternatives to abortion, contractors and subcontractors which receive funding under this bill cannot promote, refer, or counsel for abortion. Further, these entities must be physically and financially separate from any entity which promotes, refers, or counsels for abortion.

Mr. President, not every woman facing an unplanned pregnancy knows that supportive services exist. Many believe that the future they had planned is no longer achievable. They feel alone and abandoned. Often, they mistakenly believe that abortion is their only real choice. For this reason, WCRA offers compassionate, life-affirming choices and support. I urge my colleagues to join me in supporting this legislation.

Finally, I ask unanimous consent that the text of this legislation appear in the RECORD.

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

S. 1605

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 ''Women and Children's Resources Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) Women confronted with unplanned or crisis pregnancy often are left with the impression that abortion is the only choice that they have in dealing with their difficult circumstances.

(2) Women often lack accurate information, supportive counseling and other assistance regarding adoption and parenting alternatives to abortion.

(3) Organizations that provide accurate information, supportive counseling and other assistance regarding adoption and parenting alternatives to abortion often lack sufficient resources to reach women in need of their services and to provide for their needs.

(b) PURPOSE.—The purpose of this Act is—

(1) to promote childbirth as a viable and positive alternative to abortion and to empower those facing unplanned or crisis pregnancies to choose childbirth rather than abortion;

(2) to carry out paragraph (1) by supporting entities and projects that provide information, counseling, and support services that assist women to choose childbirth and to make informed decisions regarding the choice of adoption or parenting with respect to their children; and

(3) to maximize the effectiveness of this Act by providing funds only to those entities and projects that have a stated policy of actively promoting childbirth instead of abortion and that have experience in providing alternative-to-abortion services.

SEC. 3. FORMULA GRANTS TO STATES FOR ALTERNATIVE-TO-ABORTION SERVICES PROGRAMS.

In the case of each State that in accordance with section 6 submits to the Secretary of Health and Human Services an application for a fiscal year, the Secretary shall make a grant to the State for the year for carrying out the purposes authorized in section 4(a) (subject to amounts being appropriated under section 11 for the year). The grant shall consist of the allotment determined for the State under section 7.

SEC. 4. ESTABLISHMENT AND OPERATION OF STATE PROGRAMS TO PROVIDE ALTERNATIVE-TO-ABORTION SERVICES; ADMINISTRATION OF PROGRAMS THROUGH CONTRACTS WITH ENTITIES.

(a) IN GENERAL.—Grant funds provided under this Act may be expended only for purposes of the establishment and operation of a State program (carried out pursuant to contracts under subsection (c)) designed to provide alternative-to-abortion services (as defined in section 9) to eligible individuals as described in subsection (b).

(b) ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—Subject to paragraph (2), an individual is an eligible individual for purposes of subsection (a) if—

(A) the individual is pregnant (or has reasonable grounds to believe she may be pregnant);

(B) the individual (male or female) is the parent or legal guardian of an infant under 12 months of age; or

(C) the individual is the spouse or other partner of an individual described in subparagraph (A) or (B).

(2) PRIORITY FOR LOW-INCOME INDIVIDUALS.—Grant funds provided under this Act shall be awarded only to States that submit a grant application that assures that the State program—

(A) will give priority to serving eligible individuals who are from low-income families; and

(B) will not impose a charge on any eligible individual from a low-income family except to the extent that payment will be made by a third party (including a government agency) that is authorized or is under legal obligation to pay such charge.

(c) ADMINISTRATION OF PROGRAMS THROUGH CONTRACTS WITH EXPERIENCED ENTITIES AND

SERVICE PROVIDERS.—Grant funds provided under this Act shall be awarded only to States that submit a grant application that assures that the State program will be established and operated in accordance with the following:

(1) ESTABLISHMENT AND OPERATION OF PROGRAM.—

(A) PRIME CONTRACTOR.—The State shall enter into a contract with a nonprofit private entity that, under the contract, shall be designated as the ''prime contractor'' and shall have the principal responsibility for administering the State program, including subcontracting with service providers.

(B) SUBCONTRACTS WITH SERVICE PROVIDERS.—The prime contractor shall enter into subcontracts with service providers for reimbursement of alternative-to-abortion services provided to eligible individuals on a fee-for-service basis, as provided in paragraph (2)(C)(ii).

(C) EXPENDITURES OF GRANT.—The prime contractor shall be authorized to expend funds to administer the State program, reimburse service providers, and to provide additional supportive services to assist such providers in providing alternative-to-abortion services to eligible individuals consistent with the purposes of this Act, including providing for a toll-free referral system, advertising of alternative-to-abortion services, purchase of educational materials, and grants for new sites and new project development.

(D) REQUIREMENT FOR PRIME CONTRACTORS.—An entity may not become a prime contractor unless, consistent with the overall purpose of this Act, it has a stated policy of actively promoting childbirth instead of abortion.

(E) ADDITIONAL REQUIREMENTS FOR PRIME CONTRACTORS.—An entity may not become a prime contractor unless—

(i) for the 5-year period preceding the date on which the entity applies to receive the contract, it has been engaged primarily in the provision of core services or it has operated a project that provides such services;

(ii) it already serves as a prime contractor pursuant to a State appropriation designed to fund alternative-to-abortion services; or

(iii) it is a subsidiary of an entity that meets the criteria under clause (i) or (ii).

(F) REQUIREMENTS FOR SUBCONTRACTORS.—An entity may not become a service provider unless—

(i) it operates a service provider project that has a stated policy of actively promoting childbirth instead of abortion;

(ii) its project has been providing alternative-to-abortion services to clients for at least 1 year; and

(iii) its project is physically and financially separate from any entity that advocates, performs, counsels for or refers for abortion.

(G) RESTRICTION.—No prime contractor or service provider project may perform abortion, counsel for or refer for abortion, or advocate abortion.

(2) EXPENDITURES UNDER THE PROGRAM.—

(A) EXPENDITURES FOR START-UP COSTS.—For the first full fiscal year in which a State program has received grant funds pursuant to this Act, the State shall disburse grant funds to the prime contractor for start-up costs, in an amount not to exceed 10 percent of the total amount of the grant made to the State for that fiscal year.

(B) EXPENDITURES FOR ADMINISTRATIVE COSTS.—For the first full fiscal year in which a State program has received grant funds pursuant to this Act and for the 2 subsequent fiscal years, the State shall disburse grant funds to the prime contractor for administrative costs, in an amount not to exceed 20 percent of the total amount of the grant made to the State for those fiscal years. For all other fiscal years, the State shall disburse grant funds for administrative costs, in an amount not to exceed 15 percent of the total amount of the grant made to the State for the fiscal year.

(C) EXPENDITURES FOR SERVICE COSTS.—

(i) DISBURSEMENT TO PRIME CONTRACTOR FOR SERVICE COSTS.—For each fiscal year, the State shall disburse to the prime contractor for service costs all remaining grant funds not expended on permissible administrative or start-up costs.

(ii) SERVICE PROVIDER REIMBURSEMENT RATES.—The prime contractor shall reimburse service providers for alternative-to-abortion services provided to eligible individuals at the following fee-for-service rates:

(I) $10 for every 10 minutes of counseling for eligible individuals.

(II) $10 for every 10 minutes of referral time spent.

(III) $20 per individual per hour of class instruction provided.

(IV) $10 for each self-administered pregnancy test kit provided.

(V) $10 for every pantry visit.

For fiscal year 2001 and subsequent fiscal years, each of the dollar amounts specified in this clause shall be adjusted to offset the effects of inflation occurring after the beginning of fiscal year 2000.

(d) ADDITIONAL RESTRICTIONS REGARDING EXPENDITURE OF GRANT FUNDS.—A State applying for a grant under this Act shall provide assurances, in its grant application, as follows:

(1) No grant funds will be expended for any of the following:

(A) Performing abortion, counseling for or referring for abortion, or advocating abortion.

(B) Providing, referring for, or advocating the use of contraceptive services, drugs, or devices.

(2) No grant funds will be expended to make payment for a service that is provided to an eligible individual if payment for such service has already been made, or can reasonably be expected to be made—

(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) by an entity that provides health services on a prepaid basis.

(3) No grant funds will be expended—

(A) to provide inpatient hospital services;

(B) to make cash payments to intended recipients of services;

(C) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility; or

(D) to satisfy any requirement that non-Federal funds be expended as a precondition of the receipt of Federal funds.

SEC. 5. SERVICES PROVIDED BY RELIGIOUS ORGANIZATIONS.

(a) PURPOSE.—The purpose of this section is to allow States to contract with religious organizations pursuant to section 4(c) on the same basis as any other nongovernmental provider without impairing the religious character of such organizations, and without diminishing the religious freedom of eligible individuals served under the State program.

(b) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.—Religious organizations are eligible, on the same basis as any other nongovernmental organization, as contractors to provide services under a State program described in section 4(c) so long as the program is implemented consistent with the Establishment Clause of the United States Constitution. Neither the Federal Government nor a State receiving a grant under this Act shall discriminate against an organization which is or applies to be a contractor under section 4(c) on the basis that the organization has a religious character.

(c) RELIGIOUS CHARACTER AND FREEDOM.—

(1) RELIGIOUS ORGANIZATIONS.—A religious organization receiving a contract under section 4(c) shall retain its independence from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State receiving a grant under section 2 shall require a religious organization to—

(A) alter its form of internal governance; or

(B) remove religious art, icons, scripture, or other symbols;

in order to be eligible for a contract under section 4(c).

(d) EMPLOYMENT PRACTICES.—

(1) TENETS AND TEACHINGS.—A religious organization that provides services under a program described in section 4(c) may require that its employees providing assistance under such program adhere to the religious tenets and teachings of such organization, and such organization may require that those employees adhere to rules forbidding the use of drugs or alcohol.

(2) TITLE VII EXEMPTION.—A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1, 2000e–2(e)(2)) regarding employment practices shall not be affected by the receipt of a contract under section 4(c).

(e) RIGHTS OF BENEFICIARIES OF ASSISTANCE.—

(1) IN GENERAL.—If an eligible individual has an objection to the religious character of the organization from which the individual receives, or would receive, alternative-to-abortion services, the State shall provide such individual within a reasonable period of time after the date of such objection with the names and addresses of alternative service providers that offer a range of services similar to those offered by the original service provider.

(2) NOTICE.—A State receiving a grant under this Act shall ensure that notice is provided to individuals described in paragraph (1) of the rights of such individuals under this section.

(f) NONDISCRIMINATION AGAINST BENEFICIARIES.—A religious organization shall not discriminate against an eligible individual in regard to providing alternative-to-abortion services on the basis of religion, a religious belief, or refusal to actively participate in a religious practice.

(g) FISCAL ACCOUNTABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization receiving a contract under section 4(c) shall be subject to the same regulations as other contractors to account in accordance with generally accepted accounting principles for the use of such funds under this Act.

(2) LIMITED AUDIT.—If such organization segregates funds received under this Act into separate accounts, then only such funds shall be subject to audit by the government.

(h) COMPLIANCE.—Any party which seeks to enforce its rights under this section may assert a civil action for injunctive relief exclusively in an appropriate State court against the entity or agency that allegedly commits such violation.

(i) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No grant funds obtained pursuant to this Act shall be expended for sectarian worship, instruction, or proselytization.

(j) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of a State constitution or State statute that

prohibits or restricts the expenditure of State funds in or by religious organizations.

(k) TREATMENT OF SERVICE PROVIDERS.—This section applies to awards under section 4(c) made by prime contractors to service providers to the same extent and in the same manner as this section applies to awards under such section by States to prime contractors.

SEC. 6. STATE APPLICATION FOR GRANT.

An application for a grant under this Act is in accordance with this section if—

(1) the State submits the application not later than the date specified by the Secretary;

(2) the application demonstrates that the State program for which grant funds are sought will be established and operated in compliance with all of the requirements of this Act; and

(3) the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines are necessary to carry out this Act.

SEC. 7. DETERMINATION OF AMOUNT OF STATE ALLOTMENT.

(a) IN GENERAL.—The allotment of funds to be granted to each State for a fiscal year is to be the State-calculated percentage of the total amount available under section 11 for the fiscal year.

(b) STATE-CALCULATED PERCENTAGE.—The State-calculated percentage shall be determined by dividing—

(1) the number of children born in the State to women who were not married at the time of the birth plus the number of abortions performed in the State; by

(2) the number of children born in all States to women who were not married at the time of the birth plus the number of abortions performed in all States as last reported by the Centers for Disease Control and Prevention.

(c) UNALLOTTED FUNDS FOR FIRST THREE FISCAL YEARS.—For the first 3 fiscal years for which funds are appropriated under section 11, if excess funds are available due to the failure of any State to apply for grant funds under this Act, such excess funds shall be allotted to participating States in an amount equal to a percentage of the excess funds determined by dividing—

(1) the number of children born in the participating State to women who were not married at the time of the birth plus the number of abortions performed in the participating State; by

(2) the number of children born in all participating States to women who were not married at the time of the birth plus the number of abortions performed in all participating States as last reported by the Centers for Disease Control and Prevention.

(d) UNALLOTTED FUNDS FOR SUBSEQUENT FISCAL YEARS.—For years subsequent to the first 3 fiscal years for which funds are appropriated under section 11, if excess funds are available due to the failure of any State to apply for grant funds under this Act, such excess funds shall be allotted to participating States in an amount equal to a percentage of the total excess funds determined by dividing—

(1) the amount of service costs expended by an individual participating State under this Act during the previous calendar year; by

(2) the total amount of service costs expended by all participating States under this Act during the previous calendar year.

SEC. 8. BIENNIAL REPORTS TO CONGRESS.

The Secretary shall submit to the Congress periodic reports on the State programs carried out pursuant to this Act. The first report shall be submitted not later than February 1, 2001, and subsequent reports shall be submitted biennially thereafter.

SEC. 9. DEFINITIONS.

In this Act:

(1) ADMINISTRATIVE COSTS.—The term ''administrative costs'' means expenditures for costs associated with the administration of the State program by the prime contractor, including salaries of administrative office staff, taxes, employee benefits, job placement costs, postage and shipping costs, travel and lodging for administrative staff, office rent, telephone and fax costs, insurance and office supplies, professional development for administrative staff and ongoing legal, accounting, and computer consulting for the program. Such term does not include expenditures for start-up costs or service costs.

(2) ALTERNATIVE-TO-ABORTION SERVICES.—The term ''alternative-to-abortion services'' means core services and support services as defined in this section.

(3) CORE SERVICES.—The term ''core services'' means the provision of information and counseling that promotes childbirth instead of abortion and assists pregnant women in making an informed decision regarding the alternatives of adoption or parenting with respect to their child.

(4) LOW-INCOME FAMILY.—The term ''low-income family'' has the meaning given such term under section 1006(c) of the Public Health Service Act (42 U.S.C. 300a-4(c)).

(5) SUPPORT SERVICES.—The term ''support services'' means additional services and assistance designed to assist eligible individuals to carry their child to term and to support eligible individuals in their parenting or adoption decision. These support services include the provision of—

(A) self-administered pregnancy testing;

(B) baby food, maternity and baby clothing, and baby furniture;

(C) information and education, including classes, regarding prenatal care, childbirth, adoption, parenting, chastity (or abstinence); and

(D) referrals for services consistent with the purposes of this Act.

(6) PANTRY VISIT.—The term ''pantry visit'' means a visit by an eligible individual to a service provider during which baby food, maternity or baby clothing, or baby furniture are made available to the individual free of charge.

(7) REFERRAL TIME.—The term ''referral time'' means the time taken to research and set up an appointment on behalf of an eligible individual to secure support through a referral.

(8) REFERRALS.—The term ''referrals'' means action taken on behalf of an eligible individual to secure additional support from a social service agency or other entity. Referral may be for services, items and assistance regarding physical and mental health (prenatal, postnatal, and postpartum), food, clothing, housing, education, vocational training, and for other services designed to assist pregnant women and infants in need.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(10) SERVICE COSTS.—The term ''service costs'' means expenditures for costs incurred by the prime contractor to provide support for service provider projects, including salaries for technical support staff, taxes, employee benefits, job placement costs, professional development and ongoing training, educational and informational material for eligible individuals and counselors, advertising costs, operation of a toll-free referral system, travel for technical support staff, billing and database computer consulting, seminars for counseling training, meetings regarding program compliance requirements, minor equipment purchases for service provider projects, new project development, and service provider reimbursements for alternative-to-abortion services.

(11) SERVICE PROVIDER.—The term ''service provider'' means a nongovernmental entity that operates a service provider project and which enters into a subcontract with the prime contractor that provides for the reimbursement for alternative-to-abortion services provided to eligible individuals.

(12) SERVICE PROVIDER PROJECT.—The term ''service provider project'' means a project or program operated by a service provider that provides alternative-to-abortion services. All service provider projects must provide core services and may also provide support services.

(13) START-UP COSTS.—The term ''start-up costs'' means expenditures associated with the initial establishment of the State program, including the cost of obtaining furniture, computers and accessories, copy machines, consulting services, telephones, and other office equipment and supplies.

(14) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.

SEC. 10. DATE CERTAIN FOR INITIAL GRANTS.

The Secretary shall begin making grants under this Act not later than 180 days after the date on which amounts are first appropriated under section 11, subject to the receipt of State applications in accordance with section 6.

SEC. 11. FUNDING.

For the purpose of carrying out this Act, there is authorized to be appropriated $85,000,000 for each of the fiscal years 2000 through 2004.

SEC. 12. OFFSET.

It is the sense of the Senate that overall funding for the Department of Health and Human Services should not be increased under this Act.

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

S. 1608. A bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes; to the Committee on Energy and Natural Resources.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT

● Mr. WYDEN. Mr. President, it is time for Congress to enact a new program that combines secure funding for county services with a fresh approach to the management of federal lands in rural communities. Under our legislation counties will be connected to federal lands not just through the cutting of timber but also through important

road maintenance projects, watershed improvements and programs that promote tourism and recreation.

Since 1908, natural resource dependent communities have received federal funds for schools, roads and basic services based on the level of federal timber programs. The Forest Service cuts timber and the counties receive revenue. This has long constituted the traditional relationship between the counties and federal land management.

Now, as a result of changes in natural resource policies causing declines in timber production, many of our rural communities are finding it almost impossible to fund essential programs for school children, infrastructure and other needs.

There is a crisis in rural, timber-dependent America that must be addressed now. This crisis can be addressed now and in the future by providing secure, consistent funding to counties, and by encouraging a new cooperative relationship between these communities and federal land managers.

Congress must promptly enact a new program that combines traditional funding for county services with creative new policies that provide real connections between rural communities and the federal lands they cherish.

Senator CRAIG and I have been discussing how this might be accomplished because we realize that no pending proposal addressing the county payment issue has won the support of both the Congress and the Clinton administration.

In an effort to break this gridlock, we have developed the Secure Rural Schools and Community Self-Determination Act bill.

Our proposal would work as follows:

Counties will receive a consistent payment amount each year totaling 75% of the average of the top three federal land revenue years for their area between 1985 and the present, tied to the Consumer Price Index for rural areas. That consistent payment amount will be a combination of traditional 25% payments from the Forest Service and 50% payments from the Bureau of Land Management plus money from the general treasury where the traditional revenue stream does not rise to the level of the necessary consistent payment amount.

Counties would receive an additional 25% of the average amount described above from the general treasury to use for projects recommended by local community advisory committees and approved by the Forest Service or the Bureau of Land Management. These projects could include watershed restoration, road maintenance, or timber harvest, among other opportunities, as long as the project is in compliance with all applicable forest plans and environmental laws.

The Forest Service and Bureau of Land Management would be required to certify that a local consensus of environmental, industry, and other stakeholders exists, as well as approve the proposed project as environmentally sound. If consensus proposals cannot be developed in a particular county, then the money would be made available to counties that have developed such proposals. It bears repeating that all projects would have to comply with all environmental laws and regulations, as well as all applicable forest plans.

We believe that this bill has the potential to break the impasse on the county payment issue on Capitol Hill. But even more important, it represents an opportunity to forge a new charter for federal/county government cooperation, to encourage local citizens to seek consensus-based solution for resource conflicts, and to make critical investments in the stewardship of our federal lands.

This proposal will not please the proponents favoring pure decoupling of payments from timber harvest. It will also be opposed by those who are prepared to hobble the Forest Service or the Bureau of Land Management if they feel the timber harvest levels are not high enough. Our objective is to break the gridlock on federal support of counties, while bringing the nature of the relationship between the federal land managers and public land dependent communities into the twenty-first century. This bill provides a foundation to help rural counties through their immediate crisis, and down a path that will make sense in the next century.●

● Mr. CRAIG. Mr. President, I rise today with my colleagues from Oregon, Senator WYDEN and Senator SMITH of Oregon to introduce the Secure Rural Schools and Community Self Determination Act of 1999.

Perhaps as much as any other state, our counties have suffered as federal forest lands have been beset with conflict, and as the receipts promised to counties for educational purposes have decreased dramatically. Senator Wyden's counties are also suffering, as are other counties throughout the West and the country as a whole. Today, we wish to propose a solution to this problem.

When the National Forests were withdrawn from the Public Domain at the turn of the century, they were established with a basic commitment to local governments. Gifford Pinchot and other visionary conservationists of that day persuaded often-skeptical Federal and local government officials that retention of lands by the Federal Government, the creation of forest reserves, and the sustainable management of these forests would be good for local people, good for local governments, good for the country, and good for the environment.

Pinchot and his peers based these assurances on the proposition that the proceeds from the sustainable management and sale of the fiber, forage, and other resources from these reserved Federal lands would be shared between the local and Federal Governments. Consequently, cooperative management between local governments and Federal land managers—both the Forest Service and the Bureau of Land Management—has been a hallmark of good intergovernmental cooperation in many of our states, including Oregon and Idaho. In many cases, local governments have incurred costs from increased police, search and rescue, and fire protection associated with federally owned lands.

Our Federal forests have been crucial to the education of our children. Receipts from the sale of Federal timber and other commodities have been a vital component of county school and road budgets. In many cases, these funds have supported school lunches, special education, and a variety of assistance measures for disadvantaged children. In a very real sense, the bounty of our forests has allowed us to give a hand to our most needy rural children, including Native Americans and Hispanics. So this should be the one federal program through which concerns for the ''environment and education'' can be fulfilled by the same thoughtful actions.

However, we live in a different time, and federal forest management policies have become a source of considerable controversy. Timber sales have been reduced. Revenues both to the Federal treasury and the counties have decreased precipitously. Consequently, our rural school systems are in crisis.

Unfortunately, rather than coming together to forge a solution to these problems, the extremes on both sides of the equation are moving further apart. And they are placing our school children in the center of the controversy. One group seems to want to hold our school children hostage—to use the diminishing receipts and the deteriorating school systems as leverage to advantage their side of the forest management debate, favoring increased timber harvests. The other extreme would make our rural school children orphans—sending them out into the wilderness with no secure financial support in order to expedite the achievement of their goal of eliminating federal timber sales.

Senator WYDEN and I reject both of these extremes. We reject the notion that we cannot provide the school systems with additional support, without increasing timber harvesting. At the same time, we reject the proposition that we should completely ''decouple'' the support for rural schools from any responsibility on the part of the federal land management agencies, thereby totally separating local concerns from federal land management.

Gifford Pinchot articulately outlined the responsibility that the Federal Government generally, and the Forest Service and BLM specifically, assumed when the Federal forests were withdrawn from disposal or later retained in Federal ownership. In its simplest terms, this is a responsibility to provide local governments with a source of

revenue that they are otherwise denied as a consequence of their inability to tax federal lands. That responsibility is still as relevant today as it was at the turn of the century or during the Depression. It is still relevant today, irrespective of what options we choose for how to manage our Federal forests.

Indeed, the most telling flaw in the proposal to decouple county payments from timber receipts is the notion that this responsibility—willing assumed by the Forest Service at the turn of the century and BLM during the Depression—should be transformed into either the sole responsibility of the federal taxpayer, or no one's responsibility as it becomes another entitlement program which the Federal Government and taxpayers feel free to eliminate or reduce as their needs dictate.

Our proposal starts by establishing a set payment amount with which the counties can provide support for rural school systems. This set payment is based upon an average of representative years of timber receipts. In this respect, this proposal is similar to that offered by the Clinton Administration, and to H.R. 2389 being considered in the House.

But here is where the similarity stops. We would not establish a separate appropriations line—which in all likelihood would be underfunded like the existing Payment in Lieu of Taxes System. Nor would we impose the responsibility to meet this payment on the Forest Service's or the BLM's annual budget.

Instead, we provide the Forest Service and the BLM with the authority to use any available receipts to meet these payments, and—only if these receipts fall short—to make up the difference from unobligated funds in the General Treasury. The intent here is to retain an obligation on the part of the Forest Service and the BLM, but to provide some flexibility in meeting this obligation.

Based upon our experience with the Quincy Library Group, the Applegate Partnership, and elsewhere, we have come to conclude that the best, recent decisions concerning federal resource management have enjoyed significant, local input. That is why our proposal contains a unique element—Senator WYDEN's idea, actually—to foster both local consensus and federal accountability around the management of federal lands.

Only 75 percent of the money to be given to the counties is provided for the traditional school and road programs. The remaining 25 percent would be provided to the counties for federal land management investments. The counties may fund either commercial or noncommercial projects on the federal lands at the recommendation of local advisory groups, and with the agreement of federal land managers. Projects must comply with all environmental laws and regulations, and must be consistent with the applicable land management plan. Any proceeds from revenue generating projects will be split equally between the affected county and the federal land management agency. The county share will go to supporting schools and roads, while the federal share will go to infrastructure maintenance or ecosystem restoration. Any funds left-over because of a lack of local agreement will be reallocated to counties where agreement on resource stewardship priorities has been reached.

This proposal is as value-neutral concerning the resource debate as we could make it. It neither encourages nor discourages a particular resource management outcome. But it does have a very heavy prejudice that Senator WYDEN and I have become very passionate about. We are in favor of people of goodwill reasoning together to improve the quality of their lives and the quality of our environment. We cannot legislate an end to conflict. But we can use the legislative process to create an environment in which people are motivated to resolve their differences. That is what we think this bill does.●

By Mrs. HUTCHISON (for herself, Mr. ABRAHAM, Mr. BENNETT, Mr. ROBERTS, Mr. BURNS, and Mr. HAGEL);

S. 1609. A bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare program; to the Committee on Finance.

THE AMERICAN HOSPITAL PRESERVATION ACT OF 1999

Mrs. HUTCHISON. Mr. President, I rise today to introduce, along with my colleagues Senators ABRAHAM, BENNETT, ROBERTS, BURNS, and HAGEL, the American Hospital Preservation Act of 1999.

Mr. President, the single biggest Medicare dollar issue facing hospitals today is a recently enacted reduction in the annual inflation adjustment for inpatient hospital payments. Prior to 1997, Medicare provided an annual inflation adjustment for the PPS (prospective payment system) payments it makes to hospitals, according to the patient's diagnosis. The inflation update is calculated using the projected increase in the hospital market basket indicator (MBI), which is just a way to calculate the overall inflation rate for hospital costs.

To achieve savings in the Medicare program, the 1997 balanced budget agreement between Congress and the President included a tightening of the MBI to ensure after-inflation savings in Medicare.

The bill I am introducing today will ease that tightening somewhat to reflect the savings we've made beyond our original estimate. Specifically, the bill will restore .5 percent of those scheduled reductions in the MBI for FY '00 through '02.

This restoration will bring inpatient reimbursement rates closer in line to actual health care inflation, which is necessary given the significant reductions in government and private health insurance plans that providers are increasingly experiencing. The bill will also serve to help hospitals and other institutional providers to adjust to new outpatient payment systems as well as greater than anticipated costs stemming from Y2K compliance, prescription drugs, and blood supplies. Y2K compliance alone is estimated to cost hospitals between $7 billion and $8 billion. To make matters worse, the Health Care Finance Administration (HCFA) has been making cuts in its payments to hospitals and other Medicare providers that are even beyond the savings Congress originally called for.

My bill will provide a temporary shot in the arm to hospitals already hard hit by overall Medicare provider reimbursement cuts, and particularly cuts in outpatient services. As hospitals learn to adjust to the new reimbursement system for outpatient services, continuing to receive inflation adjustments might just mean the difference between disaster and survival.

This bill also reflects the recommendation made by the Medicare Payment Advisory Commission (MedPAC) to provide the ½ percent restoration to the inpatient MBI.

This legislation is particularly justified considering that, far from the $115 billion originally envisioned to be saved through FY '02, the Medicare system is now projected to be in about $200 billion better shape than anticipated. Savings in Medicare from hospitals alone are estimated to be $20 billion more than first estimated.

Mr. President, rural hospitals, and all hospitals for that matter, operate on very slim margins yet manage to bring cutting-edge medical care to the communities they serve. But changes in Medicare payments to hospitals have put many institutions in a bind. Others are fighting for their lives.

Rural communities across Texas have felt the impact of hospital closures for more than a decade now. When a rural hospital closes, local residents lose access to routine, preventative care, not to mention emergency services that can save life and limb. Doctors and other highly trained professionals move away. Then people must drive a hundred miles or more in some cases to get the care city dwellers take for granted. Local economies suffer when jobs are lost. Existing businesses may have to move, and new businesses won't locate in places where health care is unavailable. Hospital closure can be a death-kneel for struggling towns.

Other rescue efforts are moving forward to preserve the ability of our nation's hospitals and other Medicare providers to provide adequate health care to their patients. I am cosponsoring a number of bills that have been introduced to strengthen hospitals' financial position. one would limit hospitals' losses under the new outpatient reimbursement system; another would

increase the reimbursements made to rural hospitals for seniors in Medicare Choice-Plus (managed care) plans.

Finally, my successful effort to ensure that states' tobacco settlement funds stay in our state and out of the clutches of the federal government has meant that many hospitals across the country are receiving a financial boost. As a result, hospitals across Texas and health care systems across the country are in line to receive the lion's share of $246 billion in state tobacco settlement payments over the next 25 years and beyond.

America's hospitals aren't out of the woods yet, but first aid is on the way.

Thank you, Mr. President, and I urge my colleagues to support and pass the American Hospital Preservation Act of 1999.

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. 1609

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 ''American Hospital Preservation Act of 1999''.

SEC. 2. REVISION OF PPS HOSPITAL PAYMENT UPDATE.

(a) IN GENERAL.—Section 1886(b)(3)(B)(i) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)) is amended—

(1) in subclause (XV), by striking ''1.8 percentage points'' and inserting ''1.3 percentage points''; and

(2) in subclause (XVI), by striking ''1.1 percentage points'' and inserting ''0.6 percentage point''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. BIDEN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 71

At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. SESSIONS) 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. 424

At the request of Mr. COVERDELL, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 469

At the request of Mr. BREAUX, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 469, a bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes.

S. 655

At the request of Mr. LOTT, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 655, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor 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. 665

At the request of Mr. COVERDELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 665, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases.

S. 666

At the request of Mr. LUGAR, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 666, a bill to authorize a new trade and investment policy for sub-Saharan Africa.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 914

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 914, a bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes.

S. 922

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 922, a bill to prohibit the use of the ''Made in the USA'' label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 935

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 935, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1023

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1023, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 1024

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1024, a bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care.

S. 1028

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1070

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1086

At the request of Mrs. HUTCHISON, the names of the Senator from Maine (Ms. SNOWE) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1086, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 1140

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1140, a bill to require the

Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers.

S. 1142

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1142, a bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes.

S. 1211

At the request of Mr. BENNETT, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor 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. 1225

At the request of Ms. COLLINS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1225, a bill to provide for a rural education initiative, and for other purposes.

S. 1232

At the request of Mr. COCHRAN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1232, a bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code.

S. 1272

At the request of Mr. NICKLES, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Kentucky (Mr. MCCONNELL) 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. 1300

At the request of Mr. HARKIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1300, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to prevent the wearing away of an employee's accrued benefit under a defined plan by the adoption of a plan amendment reducing future accruals under the plan.

S. 1308

At the request of Mr. MURKOWSKI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1308, a bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear power plants.

S. 1452

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

S. 1473

At the request of Mr. ROBB, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. DODD), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1478

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1478, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 1483

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1483, a bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers.

S. 1547

At the request of Mr. BURNS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1548

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1548, a bill to establish a program to help States expand the existing education system to include at least 1 year of early education preceding the year a child enters kindergarten.

S. 1571

At the request of Mr. JEFFORDS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1571, a bill to amend title 38, United States Code, to provide for permanent eligibility of former members of the Selected Reserve for veterans housing loans.

S. 1580

At the request of Mr. ROBERTS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1580, a bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes.

S. 1590

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1590, a bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes.

S. 1600

At the request of Mr. HARKIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1600, a bill to amend the Employee Retirement Income Security Act of 1974 to prevent the wearing away of an employee's accrued benefit under a defined benefit plan by the adoption of a plan amendment reducing future accruals under the plan.

SENATE JOINT RESOLUTION 30

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Joint Resolution 30, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of Senate Concurrent Resolution 34, a concurrent resolution relating to the observence of ''In Memory'' Day.

SENATE RESOLUTION 69

At the request of Mr. COVERDELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of Senate Resolution 69, a resolution to prohibit the consideration of retroactive tax increases in the Senate.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 99

At the request of Mr. REID, the names of the Senator from Virginia (Mr. ROBB), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Florida (Mr. MACK) were added as cosponsors of Senate Resolution 99, a resolution designating November 20, 1999, as ''National Survivors for Prevention of Suicide Day.''

SENATE RESOLUTION 128

At the request of Mr. COCHRAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of Senate Resolution 128, a resolution designating March 2000, as ''Arts Education Month.''

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Iowa (Mr. GRASSLEY), the Senator from Virginia (Mr. ROBB), the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. FITZGERALD), the Senator from Michigan (Mr. LEVIN), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of Senate Resolution 179, a

resolution designating October 15, 1999, as ''National Mammography Day.''

AMENDMENT NO. 1658

At the request of Mr. HELMS the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of amendment No. 1658 proposed to H.R. 2084, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENTS SUBMITTED

BANKRUPTCY REFORM ACT OF 1999

BAUCUS AMENDMENT NO. 1681

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill (S. 625) to amend title 11, United States Code, and for other purposes; as follows:

Section 353(e)(2) of the Consolidated and Rural Development Act (7 U.S.C. 2001(e)(2)) is amended)—

(1) by striking ''Shared'' and inserting the following:

''(A) IN GENERAL.—Shared''; and

(2) by adding at the end the following:

''(B) REPAYMENT OF RECAPTURE AMOUNT.—The borrower may repay the recapture amount to the Secretary over a period not to exceed 25 years at an interest rate equal to the applicable rate of interest of Federal borrowing, as determined by the Secretary.''.

KOHL AMENDMENTS NOS. 1682–1684

(Ordered to lie on the table.)

Mr. KOHL submitted three amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1682

At the appropriate place in title III, insert the following:

SEC. 3 __. LIMITATION.

Section 522 of title 11, United States Code, as amended by sections 224 and 307 of this Act, is amended—

(1) in subsection (b)(3)(A), by inserting ''subject to subsection (n),'' before ''any property''; and

(2) by adding at the end the following:

''(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate $100,000 in value in—

''(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

''(C) a burial plot for the debtor or a dependent of the debtor.

''(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of that farmer.''.

AMENDMENT NO. 1683

On page 96, strike all through page 97, line 11.

AMENDMENT NO. 1684

On page 97, strike all language from line 4, beginning with ''if the debt,'' through line 9, ending with ''use of the debtor, or''. Additionally, on page 97, line 10, strike the word ''other''.

LIEBERMAN (AND DODD) AMENDMENT NO. 1685

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. INDIVIDUALS' RIGHT TO FREEDOM FROM RESTRAINT AND REPORTING OF SENTINEL EVENTS UNDER MEDICARE.

(a) AMENDMENT TO SOCIAL SECURITY ACT.—

(1) IN GENERAL.—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:

''INDIVIDUALS' FREEDOM FROM RESTRAINT AND REPORTING OF SENTINEL EVENTS

''SEC. 1897. (a) DEFINITIONS.—In this section:

''(1) CHEMICAL RESTRAINT.—The term 'chemical restraint' means the non-therapeutic use of a medication that—

''(A) is unrelated to the patient's medical condition; and

''(B) is imposed for disciplinary purposes or the convenience of staff.

''(2) PHYSICAL RESTRAINT.—The term 'physical restraint' means any mechanical or personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely. Such term does not include devices, such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets, and other methods involving the physical holding of a resident for the purpose of conducting routine physical examinations or tests or to protect the patient from falling out of bed or to permit a patient to participate in activities without the risk of physical harm to the patient.

''(3) PROVIDER OF SERVICES.—The term 'provider of services' has the meaning given that term in section 1861(u), except that for purposes of this section the term includes a psychiatric hospital but does not include a home health agency or skilled nursing facility.

''(4) SECLUSION.—The term 'seclusion' means any separation of the resident from the general population of the facility that prevents the resident from returning to such population when he or she desires.

''(5) SENTINEL EVENT.—The term 'sentinel event' means an unexpected occurrence involving an individual in the care of a provider of services for treatment for a psychiatric or psychological illness that results in death or serious physical or psychological injury that is unrelated to the natural course of the individual's illness or underlying condition.

''(b) PROTECTION OF RIGHT TO BE FREE FROM RESTRAINTS.—A provider of services eligible to be paid under this title for providing 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) shall—

''(1) protect and promote the right of each such individual to be free from physical or mental abuse, corporal punishment, and any physical or chemical restraints or involuntary seclusion imposed for purposes of discipline or convenience;

''(2) impose restraints—

''(A) only to ensure the physical safety of the individual or other individuals in the care or custody of the provider, a staff member, or others; and

''(B) only upon the written order of a physician or other licensed independent practitioner permitted by the State and the facility to order such restaint or seclusion that specifies the duration and circumstances under which the restraints are to be used (except in emergency circumstances specified by the Secretary until such an order could reasonably be obtained); and

''(2) submit the reports required under subsection (d).

''(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the use of restraints for medical immobilization, adaptive support, or medical protection.

''(d) REPORTS.—

''(1) REPORTS TO AGENCIES OR ENTITIES WITH OVERSIGHT AUTHORITY.—

''(A) IN GENERAL.—A provider of services shall report each sentinel event that occurs to an individual while the individual is in the care or custody of the provider to—

''(i) in the case of a provider of services participating in the program established under this title or the medicaid program under title XIX as a result of accreditation by a national accrediting body, the national accrediting body for that provider; and

''(ii) in the case of all other providers of services, the Secretary or, upon agreement between the Secretary and the relevant State, the State agency designated by the Secretary.

''(B) INVESTIGATION AND FURTHER REPORTING OF SENTINEL EVENTS.—Upon receipt of a report made pursuant to subparagraph (A), the agency or entity with oversight authority shall—

''(i) ensure that the provider—

''(I) conducts an investigation of the sentinel event reported;

''(II) determines the root cause or causes of the sentinel event; and

''(III) establishes a time-limited plan or strategy, that allows the agency or entity with oversight authority to review and approve the analyses and any corrective actions proposed or made by the provider of services, to correct the problem or problems that resulted in the sentinel event, and to lead to risk reduction; and

''(ii) prepare and submit the reports required under paragraph (2).

''(2) REPORTS TO THE SECRETARY.—

''(A) IN GENERAL.—Subject to subparagraph (D), the agency or entity with oversight authority shall submit a report containing the information described in subparagraph (B) to the Secretary in such form and manner, and by such date, as the Secretary prescribes.

''(B) INFORMATION TO BE REPORTED.—

''(i) IN GENERAL.—The report submitted under subparagraph (A) shall be submitted to the Secretary at regular intervals, but not less frequently than annually, and shall include—

''(I) a description of the sentinel events occurring during the period covered by the report;

''(II) a description of any corrective action taken by the providers of services with respect to the sentinel events or any other measures necessary to prevent similar sentinel events from occurring in the future;

''(III) proposed systems changes identified as a result of analysis of events from multiple providers; and

''(IV) such additional information as the Secretary determines to be essential to ensure compliance with the requirements of this section.

''(ii) INFORMATION EXCLUDED.—The report submitted under subparagraph (A) shall not identify any individual provider of services, practitioner, or individual.

''(C) ADDITIONAL REPORTING REQUIREMENTS WHEN A PROVIDER HAS BEEN IDENTIFIED AS HAVING A PATTERN OF POOR PERFORMANCE.—

''(i) IN GENERAL.—In addition to the report required under subparagraph (A), the agency or entity with oversight authority shall report to the Secretary the name and address of any provider of services with a pattern of poor performance.

''(ii) DETERMINATION OF PATTERN.—The agency or entity with oversight authority shall determine if a pattern of poor performance exists with respect to a provider of services in accordance with the definition of pattern of poor performance developed by the Secretary under clause (iii).

''(iii) DEVELOPMENT OF DEFINITION.—The Secretary, in consultation with national accrediting organizations and others, shall develop a definition to identify a provider of services with a pattern of poor performance.

''(D) AUTHORITY TO WAIVE REPORTING REQUIREMENT.—The Secretary may waive the requirement to submit a report required under this paragraph (but not a report regarding a sentinel event that resulted in death required under paragraph (3)) upon consideration of the severity of the sentinel event.

''(3) ADDITIONAL REPORTING REQUIREMENTS FOR SENTINEL EVENTS RESULTING IN DEATH.—In addition to the report required under paragraph (1), a provider of services shall report any sentinel event resulting in death to—

''(A) the Secretary or the Secretary's designee;

''(B) the State Attorney General or, upon agreement with the State Attorney General, to the appropriate law enforcement agency;

''(C) the State agency responsible for licensing the provider of services; and

''(D) the State protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) for the State in which the event occurred.

''(4) RESPONSIBILITIES OF THE AGENCY OR ENTITY WITH OVERSIGHT AUTHORITY.—Upon receipt of a report of a sentinel event that resulted in death, the agency or entity with oversight authority shall, in addition to the requirements of paragraph (2)—

''(A) determine whether the death was related to the use of restraints or seclusion; and

''(B) notify the Secretary of the determination.

''(5) SANCTIONS FOR FAILURE TO REPORT.—

''(A) IN GENERAL.—The Secretary shall establish sanctions, including intermediate sanctions, as appropriate, for failure of a provider of services or an agency or entity with oversight authority to submit the reports and information required under this subsection.

''(B) REMOVAL OF AGENCY OR ENTITY WITH OVERSIGHT AUTHORITY.—The Secretary, after notice to an agency or entity with oversight authority of a provider of services, as determined in paragraph (1), and opportunity to comply, may remove the agency or entity of such authority if the agency or entity refuses to submit the reports and information required under this subsection.

''(6) LIABILITY FOR REPORTING.—An individual, provider of services, agency, or entity shall be liable with respect to any information contained in a report required under this subsection if the individual, provider of services, agency, or entity had knowledge of the falsity of the information contained in the report at the time the report was submitted under this subsection. Nothing in the preceding sentence shall be construed as limiting the liability of an individual, provider of services, agency, or entity for damages relating to the occurrence of a sentinel event, including a sentinel event that results in death.

''(7) NONDISCLOSURE OF ANALYSIS.—Notwithstanding any other provision of law or regulation, the root cause analysis developed under this subsection shall be kept confidential and shall not be subject to disclosure or discovery in a civil action.

''(d) ESTABLISHMENT OR DESIGNATION OF SENTINEL EVENTS DATABASE.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish or designate a database of information using the reports submitted under paragraphs (2) and (3) of subsection (d) (in this subsection referred to as the 'Sentinel Events Database').

''(2) CONTENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Sentinel Events Database shall include the following:

''(i) The name and address of any provider of services that is the subject of a report submitted under subsection (d)(3), if the agency or entity with oversight authority has determined that the death was related to the use of restraints or seclusion.

''(ii) The information reported by the agency or entity under subparagraphs (B) and (C) of subsection (d)(2).

''(B) CONFIDENTIALITY.—The Secretary shall establish procedures to ensure that the privacy of individuals whose treatment is the subject of a report submitted under paragraph (2) or (3) of subsection (d) is protected.

''(3) PROCEDURES FOR ENTRY OF INFORMATION.—

''(A) IN GENERAL.—The Secretary shall—

''(i) prior to entry of information in the Sentinel Events Database, disclose the information to the provider of services that is the subject of the information; and

''(ii) establish procedures to—

''(I) resolve disputes regarding the accuracy of the information; and

''(II) ensure the accuracy of the information.

''(B) NO DELAY OF SANCTIONS.—Any sanction to be imposed by the Secretary against a provider of services or an agency or entity with oversight authority in relation to a sentinel event shall not be delayed as a result of a dispute regarding the accuracy of information to be entered into the database.

''(4) ACCESS TO THE DATABASE.—

''(A) AVAILABILITY.—The Secretary shall establish procedures for making the information maintained in the Sentinel Events Database related to a sentinel event resulting in death, and any reports of sentinel injuries arising from those providers of services with a pattern of poor performance identified in accordance with subsection (d)(2)(C), available to Federal and State agencies, national accrediting bodies, health care researchers, and the public.

''(B) INTERNET ACCESS.—In addition to any other procedures that the Secretary develops under subparagraph (A), the information in the Sentinel Events Database shall be accessible through the Internet.

''(C) FEES FOR DISCLOSURE.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary may establish or approve reasonable fees for disclosing information maintained in the Sentinel Events Database.

''(ii) NO FEE FOR FEDERAL AGENCIES.—No fee shall be charged to a Federal agency for access to the Sentinel Events Database.

''(iii) APPLICATION OF FEES.—Fees collected under this clause shall be applied by the Secretary toward the cost of maintaining the Sentinel Events Database.''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection take effect on the date of enactment of this Act.

(B) REPORTING REQUIREMENTS.—The reporting requirements under section 1897(d) of the Social Security Act, as added by paragraph (1), shall apply to sentinel events occurring on and after the date of enactment of this Act.

(b) INDIVIDUALS' RIGHT TO FREEDOM FROM RESTRAINT AND REPORTING OF SENTINEL EVENTS UNDER MEDICAID.—

(1) STATE PLANS FOR MEDICAL ASSISTANCE.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (65), by striking the period and inserting ''; and''; and

(B) by adding at the end the following:

''(66) provide that the State will ensure that any congregate care provider (as defined in section 1905(v)) that provides services to an individual for which medical assistance is available shall—

''(A) protect and promote the right of each individual to be free from physical or mental abuse, corporal punishment, involuntary seclusion, and any physical or chemical restraints imposed for purposes of discipline or convenience;

''(B) impose restraints only—

''(i) to ensure the physical safety of the individual or other individuals; and

''(ii) upon the written order of a physician that specifies the duration and circumstances under which the restraints are to be used (except in emergency circumstances specified by the Secretary until such an order could reasonably be obtained); and

''(C) submit the reports required under subsection (d) of section 1897 (relating to sentinel events) in the same manner as a provider of services under that section is required to submit such reports.''.

(2) DEFINITION OF CONGREGATE CARE PROVIDER.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following:

''(v) The term 'congregate care provider' means an entity that provides hospital services, hospice care, residential treatment centers for children, services in an institution for mental diseases, inpatient psychiatric hospital services for individuals under age 21, or congregate care services under a waiver authorized under section 1915(c).''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection take effect on the date of enactment of this Act.

(B) REPORTING REQUIREMENTS.—The reporting requirements under section 1902(a)(66)(C) of the Social Security Act (42 U.S.C. 1396a(a)(66)(C)), as added by paragraph (1), shall apply to sentinel events occurring on and after the date of enactment of this Act.

FEINGOLD AMENDMENTS NOS. 1686–1688

(Ordered to lie on the table.)

Mr. FEINGOLD submitted three amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1686

At the end of title X, insert the following:

SEC. ___. PROHIBITION OF RETROACTIVE ASSESSMENT OF DISPOSABLE INCOME.

(a) IN GENERAL.—Section 1225(b) of title 11, United States Code, is amended by adding at the end the following:

''(3) If the plan provides for specific amounts of property to be distributed on account of allowed unsecured claims as required by paragraph (1)(B), those amounts

equal or exceed the debtor's projected disposable income for that period, and the plan meets the requirements for confirmation other than those of this subsection, the plan shall be confirmed.''.

(b) MODIFICATION.—Section 1229 of title 11, United States Code, is amended by adding at the end the following:

''(d)(1) A modification of the plan under this section may not increase the amount of payments that were due prior to the date of the order modifying the plan.

''(2) A modification of the plan under this section to increase payments based on an increase in the debtor's disposable income may not require payments to unsecured creditors in any particular month greater than the debtor's disposable income for that month unless the debtor proposes such a modification.

''(3) A modification of the plan in the last year of the plan shall not require payments that would leave the debtor with insufficient funds to carry on the farming operation after the plan is completed unless the debtor proposes such a modification.''.

AMENDMENT NO. 1687

At the appropriate place in the bill, insert the following:

SEC. ___. DEFINITION OF FAMILY FARMER.

Section 101(18) of title 11, United States Code, is amended—

(1) in subparagraph (A) by—

(A) striking ''$1,500,000'' and inserting ''$3,000,000''; and

(B) striking ''80'' and inserting ''50''; and

(2) in subparagraph (B)(ii) by—

(A) striking ''$1,500,000'' and inserting ''$3,000,000''; and

(B) striking ''80'' and inserting ''50''.

AMENDMENT NO. 1688

On page 7, line 15, strike ''(ii)'' and insert ''(ii)(I)''.

On page 7, between lines 21 and 22, insert the following:

''(II) In addition, the debtor's monthly expenses may include, if applicable, the continuation of actual expenses paid by the debtor for care and support of a household member or member of the debtor's immediate family (including parents, grandparents, and siblings of the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case) who is not a dependent.

DODD AMENDMENT NO. 1689

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC.———. PROTECTION OF TUITION AND EDUCATION SAVINGS IN BANKRUPTCY.

(a) IN GENERAL.—Section 522 of title 11, United States Code, as amended by section 308 of this Act, is amended by adding at the end the following:

''(o)(1) Notwithstanding section 541 of this title or any other provision of this section, an individual debtor may exempt from property of the estate the debtor's aggregate interest in funds (including any amount earned on the funds) to the extent that—

''(A) the funds are in a qualified tuition program described in section 529(b) of the Internal Revenue Code of 1986 or an education individual retirement account as defined in section 530(b)(1) of such Code;

''(B) the amount the debtor contributed to the program or account for each designated beneficiary, as defined in section 529(e)(i) of such Code, does not exceed the lesser of the maximum total contribution permitted under section 529(b)(7) of such Code by the State specified in subsection (b)(2)(A) of this section; and

''(C) a contribution that the debtor made within 1 year before the date of the filing of the petition did not exceed 15 percent of the debtor's gross annual income for the year in which the contribution was made and was consistent with the practices of the debtor in making such contributions.

''(2) Subsection (l) of this section applies to any exemption claimed under this subsection.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 104(b) of title 11, United States Code, is amended by inserting '522(o),' after '522(d),' each place it appears.''.

DODD (AND KENNEDY) AMENDMENT NO. 1690

(Ordered to lie on the table.)

Mr. DODD (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

(a) IN GENERAL.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

''(5) APPLICATIONS FROM UNDERAGE CONSUMERS.—

''(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end credit plan established on behalf of, a consumer who has not attained the age of 21 unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

''(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by an individual who has not attained the age of 21 as of the date of submission of the application shall require—

''(i) the signature of the parent, legal guardian, or spouse of the consumer, or any other individual having a means to repay debts incurred by the consumer in connection with the account, indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has attained the age of 21; or

''(ii) submission by the consumer of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.''.

(b) REGULATORY AUTHORITY.—The Board of Governors of the Federal Reserve System may issue such rules or publish such model forms as it considers necessary to carry out section 127(c)(5) of the Truth in Lending Act, as amended by this section.

DODD AMENDMENT NO. 1691

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. CONSUMER CREDIT.

(a) ENHANCED DISCLOSURES UNDER AN OPEN END CONSUMER CREDIT PLAN.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

''(11)(A) Repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

''(i) the required minimum monthly payment on that balance, represented as both a dollar figure and as a percentage of that balance;

''(ii) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

''(iii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made; and

''(iv) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months if no further advances are made.

''(B)(i) Subject to clause (ii), in making the disclosures under subparagraph (A) the credtior shall apply the interest rate in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

''(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the credtior shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date.''.

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: ''In connection with the disclosures referred to in subsections (a) and (b) of section 127, a credtior shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a), or paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), or paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b).''.

DODD (AND LANDRIEU) AMENDMENT NO. 1692

(Ordered to lie on the table.)

Mr. DODD (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by them to the bill S. 625, supra; as follows:

On page 7, line 15, strike ''(ii)'' and insert ''(ii)(I)''.

On page 7, between lines 21 and 22, insert the following:

''(II) The expenses referred to in subclause (I) shall include—

''(aa) taxes and mandatory withholdings from wages;

''(bb) health care;

''(cc) alimony, child, and spousal support payments;

''(dd) expenses associated with the adoption of a child, including travel expenses, relocation expenses, and medical expenses;

''(ee) legal fees necessary for the debtor's case;

''(ff) child care and the care of elderly or disabled family members;

''(gg) reasonable insurance expenses and pension payments;

''(hh) religious and charitable contributions;

''(ii) educational expenses not to exceed $10,000 per household;

''(jj) union dues;

''(kk) other expenses necessary for the operation of a business of the debtor or for the debtor's employment;

''(*ll*) utility expenses and home maintenance expenses for a debtor that owns a home;

''(mm) ownership costs for a motor vehicle, determined in accordance with Internal Revenue Service transportation standards, reduced by any payments on debts secured by the motor vehicle or vehicle lease payments made by the debtor;

''(nn) expenses for children's toys and recreation for children of the debtor;

''(oo) tax credits for earned income determined under section 32 of the Internal Revenue Code of 1986; and

''(pp) miscellaneous and emergency expenses.

On page 83, between lines 4 and 5, insert the following:

SEC. 225. TREATMENT OF TAX REFUNDS AND DOMESTIC SUPPORT OBLIGATIONS.

(a) PROPERTY OF THE ESTATE.—Section 541 of title 11, United States Code, is amended—

(1) in subsection (a)(5)(B) by inserting ''except as provided under subsection (b)(7),'' before ''as a result''; and

(2) in subsection (b)—

(A) in paragraph (4), by striking ''or'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by inserting after paragraph (5) the following:

''(6) any—

''(A) refund of tax due to the debtor under subtitle A of the Internal Revenue Code of 1986 for any taxable year to the extent that the refund does not exceed the amount of an applicable earned income tax credit allowed under section 32 of such Code for such year; and

''(B) advance payment of an earned income tax credit under section 3507 of the Internal Revenue Code of 1986;

''(7) the right of the debtor to receive alimony, support, or separate maintenance for the debtor or dependent of the debtor;

''(8) refund of a tax due to the debtor under a State earned income tax credit; or

''(9) advance payment of a State earned income tax credit.''.

(b) PROTECTION OF EARNED INCOME TAX CREDIT AND SUPPORT PAYMENTS UNDER BANKRUPTCY REPAYMENT PLANS IN CHAPTER 12.—Section 1225(b)(2) of title 11, United States Code, as amended by section 218 of this Act, is amended—

(1) by inserting ''(A)'' before ''For purposes'';

(2) by striking ''(A) for the maintenance'' and inserting ''(i) for the maintenance'';

(3) by striking ''(B) if the debtor'' and inserting ''(ii) if the debtor''; and

(4) by adding at the end the following:

''(B) In determining disposable income the court shall not consider amounts the debtor receives or is entitled to receive from—

''(i) any refund of tax due to the debtor under subtitle A of the Internal Revenue Code of 1986 for any taxable year to the extent that the refund does not exceed the amount of an applicable earned income tax credit allowed by section 32 of the Internal Revenue Code of 1986 for such year;

''(ii) any advance payment for an earned income tax credit described in clause (i); or

''(iii) child support, foster care, or disability payment for the care of a dependent child in accordance with applicable nonbankruptcy law.''.

(c) PROTECTION OF EARNED INCOME TAX CREDIT AND SUPPORT PAYMENTS UNDER BANKRUPTCY REPAYMENT PLANS IN CHAPTER 13.—Section 1325(b)(2) of title 11, United States Code, as amended by section 218 of this Act, is amended—

(1) by inserting ''(A)'' before ''For purposes'';

(2) by striking ''(A) for the maintenance'' and inserting ''(i) for the maintenance'';

(3) by striking ''(B) if the debtor'' and inserting ''(ii) if the debtor''; and

(4) by adding at the end the following:

''(B) In determining disposable income the court shall not consider amounts the debtor receives or is entitled to receive from—

''(i) any refund of tax due to the debtor under subtitle A of the Internal Revenue Code of 1986 for any taxable year to the extent that the refund does not exceed the amount of an applicable earned income tax credit allowed by section 32 of the Internal Revenue Code of 1986 for such year;

''(ii) any advance payment for an earned income tax credit described in clause (i); or

''(iii) child support, foster care, or disability payment for the care of a dependent child in accordance with applicable nonbankruptcy law.''.

(d) EXEMPTIONS.—Section 522(d) of title 11, United States Code, as amended by section 224 of this Act, is amended in paragraph (10)—

(1) in subparagraph (C), by adding ''or'' after the semicolon;

(2) by striking subparagraph (D); and

(3) by striking ''(E)'' and inserting ''(D)''.

On page 92, line 5, strike ''personal property'' and insert ''an item of personal property purchased for more than $3,000''.

On page 93, line 19, strike ''property'' and insert ''an item of personal property purchased for more than $3,000''.

On page 97, line 10, strike ''if'' and insert ''to the extent that''.

On page 97, line 10, after ''incurred'' insert ''to purchase that thing of value''.

On page 98, line 1, strike ''(27A)'' and insert (27B)''.

On page 107, line 9, strike ''and aggregating more than $250'' and insert ''for $400 or more per item or service''.

On page 107, line 11, strike ''90'' and insert ''70''.

On page 107, line 13, after ''dischargeable'' insert the following: ''if the credtior proves by a preponderance of the evidence at a hearing that the goods or services were not reasonably necessary for the maintenance or support of the debtor''.

On page 107, line 15, strike ''$750'' and insert ''$1,075''.

On page 107, line 17, strike ''70'' and insert ''60''.

Beginning on page 109, strike line 21 and all that follows through page 111, line 15, and insert the following:

SEC. 314. HOUSEHOLD GOOD DEFINED.

Section 101 of title 11, United States Code, as amended by section 106(c) of this Act, is amended by inserting before paragraph (27B) the following:

''(27A) 'household goods'—

''(A) includes tangible personal property normally found in or around a residence; and

''(B) does not include motor vehicles used for transportation purposes;''.

On page 112, line 6, strike ''(except that,'' and all that follows through ''debts)'' on line 13.

On page 112, strike lines 19 and 20.

On page 112, line 21, strike ''(3)'' and insert ''(2)''.

On page 112, line 24, strike ''(4)'' and insert ''(3)''.

On page 113, between lines 3 and 4, insert the following:

(c) EXCEPTIONS TO DISCHARGE.—Section 523 of title 11, United States Code, is amended—

(1) in subsection (c), by inserting ''(14A),'' after ''(6),'' each place it appears; and

(2) in subsection (d), by striking ''(a)(2)'' and inserting ''(a) (2) or (14A)''.

On page 263, line 8, insert ''as amended by section 322 of this Act,'' after ''United States Code,''.

On page 263, line 11, strike ''(4)'' and insert ''(5)''.

On page 263, line 12, strike ''(5)'' and insert ''(6)''.

On page 263, line 13, strike ''(6)'' and insert ''(7)''.

On page 263, line 14, strike ''(4)'' and insert ''(5)''.

On page 263, line 16, strike ''(5)'' and insert ''(6)''.

MURRAY AMENDMENT NO. 1693

(Ordered to lie on the table)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 625, supra; as follows:

At the appropriate place, add the following:

TITLE ___—TIME FOR SCHOOLS ACT OF 1999

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Time for Schools Act of 1999''.

SEC. ___2. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

''(3) ENTITLEMENT TO SCHOOL INVOLVEMENT LEAVE.—

''(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 24 hours of leave during any 12-month period to participate in an academic activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a family literacy program.

''(B) DEFINITIONS.—In this paragraph:

''(i) FAMILY LITERACY PROGRAM.—The term 'family literacy program' means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

''(I) Interactive literacy activities between parents and their sons and daughters.

''(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

''(III) Parent literacy training.

''(IV) An age-appropriate education program for sons and daughters.

''(ii) LITERACY.—The term 'literacy', used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

''(I) to function on the job, in the family of the individual, and in society;

''(II) to achieve the goals of the individual; and

''(III) to develop the knowledge potential of the individual.

''(iii) SCHOOL.—The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program

assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

''(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.''.

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: ''Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.''.

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting before the period the following: '', or for leave provided under subsection (a)(3) for any part of the 24-hour period of such leave under such subsection''.

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

''(3) NOTICE FOR SCHOOL INVOLVEMENT LEAVE.—In any case in which the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employer with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection. If the necessity for the leave is not foreseeable, the employee shall provide such notice as is practicable.''.

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

''(f) CERTIFICATION FOR SCHOOL INVOLVEMENT LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.''.

SEC. ___3. SCHOOL INVOLVEMENT LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

''(3)(A) Subject to section 6383(f), an employee shall be entitled to a total of 24 hours of leave during any 12-month period to participate in an academic activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a family literacy program.

''(B) In this paragraph:

''(i) The term 'family literacy program' means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

''(I) Interactive literacy activities between parents and their sons and daughters.

''(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

''(III) Parent literacy training.

''(IV) An age-appropriate education program for sons and daughters.

''(ii) The term 'literacy', used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

''(I) to function on the job, in the family of the individual, and in society;

''(II) to achieve the goals of the individual; and

''(III) to develop the knowledge potential of the individual.

''(iii) The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

''(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.''.

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: ''Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.''.

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting before '', except'' the following: '', or for leave provided under subsection (a)(3) any of the employee's accrued or accumulated annual leave under subchapter I for any part of the 24-hour period of such leave under such subsection''.

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

''(3) In any case in which the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employing agency with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection. If the necessity for the leave is not foreseeable, the employee shall provide such notice as is practicable.''.

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

''(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.''.

SEC. ___4. EFFECTIVE DATE.

This title takes effect 120 days after the date of enactment of this Act.

SARBANES AMENDMENT NO. 1694

(Ordered to lie on the table)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. CONSUMER CREDIT.

(a) ENHANCED DISCLOSURES UNDER AN OPEN END CONSUMER CREDIT PLAN.—

(1) REPAYMENT TERMS.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

''(11)(A) Repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

''(i) the required minimum monthly payment on that balance, represented as both a dollar figure and as a percentage of that balance;

''(ii) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

''(iii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made; and

''(iv) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months if no further advances are made.

''(B)(i) Subject to clause (ii), in making the disclosures under subparagraph (A) the creditor shall apply the interest rate in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

''(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date.''.

(2) PUBLICATION OF MODEL FORMS.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with section 105 of the Truth in Lending Act for the purpose of compliance with section 127(b)(11) of the Truth in Lending Act, as added by this subsection.

(b) CREDIT CARD SECURITY INTERESTS UNDER AN OPEN END CONSUMER CREDIT PLAN.—

(1) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

''(h) SECURITY INTERESTS CREATED UNDER AN OPEN END CONSUMER CREDIT PLAN.—During the period of an open end consumer credit plan, if the creditor of that plan obtains a security interest in personal property purchased using that credit plan, the creditor shall provide to the consumer, at the time of purchase, a written statement setting forth in a clear, conspicuous, and easy to read format the following information:

''(1) The property in which the creditor will receive a security interest.

''(2) The nature of the security interest taken.

''(3) The method or methods of enforcement of that security interest available to the creditor in the event of nonpayment of the plan balance.

''(4) The method in which payments made on the credit plan balance will be credited against the security interest taken on the property.

''(5) The following statement: 'This property is subject to a security agreement. You must not dispose of the property purchased in any way, including by gift, until the balance on this account is fully paid.' ''.

(2) PUBLICATION OF MODEL FORMS.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with section 105 of the Truth in Lending Act for the purpose of compliance with section 127(h) of the Truth in Lending Act, as added by this subsection.

(c) STATISTICS REPORTED TO BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM AND TO CONGRESS.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

''(i) REPORTS TO THE BOARD AND TO CONGRESS.—

''(1) REPORTS TO THE BOARD.—Any creditor making advances under an open end credit plan shall, using model forms developed and published by the Board, annually submit to the Board a report, which shall include—

''(A) the total number of open end credit plan solicitations made to consumers;

''(B) the total amount of credit (in dollars) offered to consumers;

''(C) a statement of the average interest rates offered to all borrowers in each of the previous 2 years;

''(D) the total amount of credit granted and the average interest rate granted to persons under the age of 25; and

''(E) the total amount of debt written off voluntarily and due to a bankruptcy discharge in each of the 2 years preceding the date on which the report is submitted.

''(2) REPORTS TO CONGRESS.—The Board shall annually compile the information collected under paragraph (1) and submit to the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Banking and Financial Services of the House of Representatives, a report, which shall include—

''(A) aggregate data described subparagraphs (A) through (E) of paragraph (1) for all creditors; and

''(B) individual data described in paragraph (1)(A) for each of the top 50 creditors.''.

(d) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: ''In connection with the disclosures referred to in subsections (a), (b), and (h) of section 127, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a), paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b), or section 127(h), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b), or section 127(h).''.

(e) TREATMENT UNDER BANKRUPTCY LAW.—

(1) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, is amended by adding at the end the following: ''The exception under subparagraphs (A) and (C) of paragraph (2) shall not apply to any claim made by a creditor who has failed to make the disclosures required under section 127(h) of the Truth in Lending Act in connection with such claim, unless a creditor required to make such disclosures files with the court, within 90 days of the date of order for relief, a proof of claim accompanied by a copy of such disclosures that is signed and dated by the debtor.''.

(2) REAFFIRMATION.—Section 524(c) of title 11, United States Code, is amended—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) in a case concerning a creditor obligated to make the disclosures required under section 127(h) of the Truth in Lending Act, the agreement contains a copy of such disclosures that is signed and dated by the debtor.''.

FEINSTEIN (AND BIDEN) AMENDMENT NO. 1695

(Ordered to lie on the table)

Mrs. FEINSTEIN (for herself and Mr. BIDEN) submitted an amendment intended to be proposed by them to the bill S. 625, supra; as follows:

On page 124, between lines 14 and 15, insert the following:

SEC. 322. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) For a case commenced—

''(A) under chapter 7 of title 11, $160; or

''(B) under chapter 13 of title 11, $150.''.

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

''(1)(A) 46.88 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

''(B) 73.33 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;'';

(2) in paragraph (2) by striking ''one-half'' and inserting ''three-fourths''; and

(3) in paragraph (4) by striking ''one-half'' and inserting ''100 percent''.

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking ''pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931'' and inserting ''under section 1930(b) of title 28, United States Code, and 25 percent of the fees collected under section 1930(a)(1)(A) of that title, 26.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title''.

FEINSTEIN AMENDMENT NO. 1696

(Ordered to lie on the table)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. ISSUANCE OF CREDIT CARDS TO UNDERAGE CONSUMERS.

(a) APPLICATIONS BY UNDERAGE CONSUMERS.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (7); and

(2) by inserting after paragraph (4) the following:

''(5) APPLICATIONS FROM UNDERAGE OBLIGORS.—

''(A) PROHIBITION ON ISSUANCE.—Except in response to a written request or application to the card issuer that meets the requirements of subparagraph (B), a card issuer may not—

''(i) issue a credit card account under an open end consumer credit plan to, or establish such an account on behalf of, an obligor who has not attained the age of 21; or

''(ii) increase the amount of credit authorized to be extended under such an account to an obligor described in clause (i).

''(B) APPLICATION REQUIREMENTS.—A written request or application to open a credit card account under an open end consumer credit plan, or to increase the amount of credit authorized to be extended under such an account, submitted by an obligor who has not attained the age of 21 as of the date of such submission, shall require—

''(i) submission by the obligor of information regarding any other credit card account under an open end consumer credit plan issued to, or established on behalf of, the obligor (other than an account established in response to a written request or application that meets the requirements of clause (ii) or (iii)), indicating that the proposed extension of credit under the account for which the written request or application is submitted would not thereby increase the total amount of credit extended to the obligor under any such account to an amount in excess of $1,500 (which amount shall be adjusted annually by the Board to account for any increase in the Consumer Price Index);

''(ii) the signature of a parent or guardian of that obligor indicating joint liability for debts incurred in connection with the account before the obligor attains the age of 21; or

''(iii) submission by the obligor of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.

''(C) NOTIFICATION.—A card issuer of a credit card account under an open end consumer credit plan shall notify any obligor who has not attained the age of 21 that the obligor is not eligible for an extension of credit in connection with the account unless the requirements of this paragraph are met.

''(D) LIMIT ON ENFORCEMENT.—A card issuer may not collect or otherwise enforce a debt arising from a credit card account under an open end consumer credit plan if the obligor had not attained the age of 21 at the time the debt was incurred, unless the requirements of this paragraph have been met with respect to that obligor.

''(6) PARENTAL APPROVAL REQUIRED TO INCREASE CREDIT LINES FOR ACCOUNTS FOR WHICH PARENT IS JOINTLY LIABLE.—In addition to the requirements of paragraph (5), no increase may be made in the amount of credit authorized to be extended under a credit card account under an open end credit plan for which a parent or guardian of the obligor has joint liability for debts incurred in connection with the account before the obligor attains the age of 21, unless the parent or guardian of the obligor approves, in writing, and assumes joint liability for, such increase.''.

(b) REGULATORY AUTHORITY.—The Board of Governors of the Federal Reserve System may issue such rules or publish such model forms as it considers necessary to carry out paragraphs (5) and (6) of section 127(c) of the Truth in Lending Act, as amended by this section.

(c) EFFECTIVE DATE.—Paragraphs (5) and (6) of section 127(c) of the Truth in Lending Act, as amended by this section, shall apply to the issuance of credit card accounts under open end consumer credit plans, and the increase of the amount of credit authorized to be extended thereunder, as described in those paragraphs, on and after the date of enactment of this Act.

REID AMENDMENT NO. 1697

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill S. 625, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended in the second sentence by striking ''180'' and inserting ''30''.

WELLSTONE (AND MURRAY) AMENDMENTS NOS. 1698–1699

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself and Mrs. MURRAY) submitted two amendments intended to be proposed by them to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1698

At the end, add the following:

TITLE ____—EMPLOYMENT PROTECTION FOR BATTERED WOMEN

SEC. ___1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This title may be cited as the ''Battered Women's Employment Protection Act''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

SEC. ___2. PURPOSES.

The purposes of this title are, pursuant to the affirmative power of Congress to enact legislation under section 5 of the 14th amendment to the Constitution, as well as under the portions of section 8 of article I of the Constitution relating to providing for the general welfare and to regulation of commerce among the several States—

(1) to promote the national interest in reducing domestic violence by enabling victims of domestic violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic violence, and to reduce the devastating economic consequences of domestic violence to employers and employees, by—

(A) providing unemployment insurance for victims of domestic violence who are forced to leave their employment as a result of domestic violence; and

(B) entitling employed victims of domestic violence to take reasonable leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) to seek medical help, legal assistance, counseling, and safety planning and assistance without penalty from their employers;

(2) to promote the purposes of the 14th amendment by protecting the civil and economic rights of victims of domestic violence and by furthering the equal opportunity of women for employment and economic self-sufficiency;

(3) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, health care costs, and employer costs, caused by domestic violence; and

(4) to accomplish the purposes described in paragraphs (1), (2), and (3) in a manner that accommodates the legitimate interests of employers.

SEC. ___3. UNEMPLOYMENT COMPENSATION.

(a) UNEMPLOYMENT COMPENSATION.—Section 3304 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (18);

(B) by striking the period at the end of paragraph (19) and inserting ''; and''; and

(C) by inserting after paragraph (19) the following:

''(20) compensation is to be provided where an individual is separated from employment due to circumstances directly resulting from the individual's experience of domestic violence.''; and

(2) by adding at the end the following:

''(g) CONSTRUCTION.—

''(1) IN GENERAL.—For purposes of subsection (a)(20), an employee's separation from employment shall be treated as due to circumstances directly resulting from the individual's experience of domestic violence if the separation resulted from—

''(A) the employee's reasonable fear of future domestic violence at or en route to or from the employee's place of employment;

''(B) the employee's wish to relocate to another geographic area in order to avoid future domestic violence against the employee or the employee's family;

''(C) the employee's need to recover from traumatic stress resulting from the employee's experience of domestic violence;

''(D) the employer's denial of the employee's request for the temporary leave from employment authorized by section 102 of the Family and Medical Leave Act of 1993 to address domestic violence and its effects; or

''(E) any other circumstance in which domestic violence causes the employee to reasonably believe that termination of employment is necessary for the future safety of the employee or the employee's family.

''(2) REASONABLE EFFORTS TO RETAIN EMPLOYMENT.—For purposes of subsection (a)(20), if State law requires the employee to have made reasonable efforts to retain employment as a condition for receiving unemployment compensation, such requirement shall be met if the employee—

''(A) sought protection from, or assistance in responding to, domestic violence, including calling the police or seeking legal, social work, medical, clerical, or other assistance;

''(B) sought safety, including refuge in a shelter or temporary or permanent relocation, whether or not the employee actually obtained such refuge or accomplished such relocation; or

''(C) reasonably believed that options such as taking a leave of absence, transferring jobs, or receiving an alternative work schedule would not be sufficient to guarantee the employee or the employee's family's safety.

''(3) ACTIVE SEARCH FOR EMPLOYMENT.—For purposes of subsection (a)(20), if State law requires the employee to actively search for employment after separation from employment as a condition for receiving unemployment compensation, such requirement shall be treated as met where the employee is temporarily unable to actively search for employment because the employee is engaged in seeking safety for the employee or the employee's family, or relief for the employee, from domestic violence, including—

''(A) going into hiding or relocating or attempting to do so, including activities associated with such hiding or relocation, such as seeking to obtain sufficient shelter, food, schooling for children, or other necessities of life for the employee or the employee's family;

''(B) actively pursuing legal protection or remedies, including meeting with the police, going to court to make inquiries or file papers, meeting with attorneys, or attending court proceedings; or

''(C) participating in psychological, social, or religious counseling or support activities to assist the employee in coping with domestic violence.

''(4) PROVISION OF INFORMATION TO MEET CERTAIN REQUIREMENTS.—In determining if an employee meets the requirements of paragraphs (1), (2), and (3), the unemployment agency of the State in which an employee is requesting unemployment compensation by reason of subsection (a)(20) may require the employee to provide—

''(A) a written statement describing the domestic violence and its effects;

''(B) documentation of the domestic violence, such as a police or court record, or documentation from a shelter worker, an employee of a domestic violence program, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic violence and its effects, as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611); or

''(C) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph, torn or bloody clothing, or any other damaged property.

All evidence of domestic violence experienced by an employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has applied for or inquired about unemployment compensation available by reason of subsection (a)(20) shall be retained in the strictest confidence by such State unemployment agency, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of protecting the safety of the employee or a family member of the employee or of assisting in documenting domestic violence for a court or agency.''.

(b) SOCIAL SECURITY PERSONNEL TRAINING.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively, and by inserting after paragraph (3) the following:

''(4) Such methods of administration as will ensure that claims reviewers and hearing personnel are adequately trained in the nature and dynamics of domestic violence and in methods of ascertaining and keeping confidential information about possible experiences of domestic violence, so that employee separations stemming from domestic violence are reliably screened, identified, and adjudicated, and full confidentiality is provided for the employee's claim and submitted evidence; and''.

(c) DEFINITIONS.—Section 3306 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(u) DOMESTIC VIOLENCE.—The term 'domestic violence' includes acts or threats of violence, or acts of extreme cruelty (as such term is referred to in section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a)), not including acts of self-defense, committed by—

''(1) a current or former spouse of the victim;

''(2) a person with whom the victim shares a child in common;

''(3) a person who is cohabiting with or has cohabited with the victim;

''(4) a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim;

''(5) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction; or

''(6) any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.''.

SEC. ___4. ENTITLEMENT TO LEAVE FOR ADDRESSING DOMESTIC VIOLENCE FOR NON-FEDERAL EMPLOYEES.

(a) DEFINITIONS.—Section 101 (29 U.S.C. 2611) is amended by adding at the end the following:

''(14) ADDRESSING DOMESTIC VIOLENCE AND ITS EFFECTS.—The term 'addressing domestic violence and its effects' means—

''(A) being unable to attend or perform work due to an incident of domestic violence;

''(B) seeking medical attention for or recovering from injuries caused by domestic violence;

''(C) seeking legal assistance or remedies, including communicating with the police or an attorney, or participating in any legal proceeding, related to domestic violence;

''(D) obtaining services from a domestic violence shelter or program or rape crisis center as a result of domestic violence;

''(E) obtaining psychological counseling related to experiences of domestic violence;

''(F) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation; and

''(G) participating in any other activity necessitated by domestic violence that must be undertaken during the hours of employment involved.

''(15) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given the term in section 3306 of the Internal Revenue Code of 1986.''.

(b) LEAVE REQUIREMENT.—Section 102 (29 U.S.C. 2612) is amended—

(1) in subsection (a)(1), by adding at the end the following:

''(E) In order to care for the son, daughter, or parent of the employee, if such son, daughter, or parent is addressing domestic violence and its effects.

''(F) Because the employee is addressing domestic violence and its effects, which make the employee unable to perform the functions of the position of such employee.'';

(2) in subsection (b), by adding at the end the following:

''(3) DOMESTIC VIOLENCE.—Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an eligible employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.''; and

(3) in subsection (d)(2)(B), by striking ''(C) or (D)'' and inserting ''(C), (D), (E), or (F)''.

(c) CERTIFICATION.—Section 103 (29 U.S.C. 2613) is amended—

(1) in the title of the section, by inserting before the period the following: ''**; confidentiality**''; and

(2) by adding at the end the following:

''(f) DOMESTIC VIOLENCE.—In determining if an employee meets the requirements of subparagraph (E) or (F) of section 102(a)(1), the employer of an employee may require the employee to provide—

''(1) a written statement describing the domestic violence and its effects;

''(2) documentation of the domestic violence involved, such as a police or court record, or documentation from a shelter worker, an employee of a domestic violence program, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic violence and its effects; or

''(3) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph, torn or bloody clothing, or any other damaged property.

''(g) CONFIDENTIALITY.—All evidence provided to the employer under subsection (f) of domestic violence experienced by an employee or the son, daughter, or parent of an employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing, or caring for a son, daughter, or parent who is addressing, domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of—

''(1) protecting the safety of the employee or a family member or co-worker of the employee; or

''(2) assisting in documenting domestic violence for a court or agency.''.

SEC. ___5. ENTITLEMENT TO LEAVE FOR ADDRESSING DOMESTIC VIOLENCE FOR FEDERAL EMPLOYEES.

(a) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(1) at the end of paragraph (5), by striking ''and'';

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(7) the term 'addressing domestic violence and its effects' has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611); and

''(8) the term 'domestic violence' has the meaning given the term in section 3006 of the Internal Revenue Code of 1986.''.

(b) LEAVE REQUIREMENT.—Section 6382 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following:

''(E) In order to care for the son, daughter, or parent of the employee, if such son, daughter, or parent is addressing domestic violence and its effects.

''(F) Because the employee is addressing domestic violence and its effects, which make the employee unable to perform the functions of the position of such employee.'';

(2) in subsection (b), by adding at the end the following:

''(3) DOMESTIC VIOLENCE.—Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.''; and

(3) in subsection (d), by striking ''(C), or (D)'' and inserting ''(C), (D), (E), or (F)''.

(c) CERTIFICATION.—Section 6383 of title 5, United States Code, is amended—

(1) in the title of the section, by adding at the end the following: ''**; confidentiality**''; and

(2) by adding at the end the following:

''(f) In determining if an employee meets the requirements of subparagraph (E) or (F) of section 6382(a)(1), the employing agency of an employee may require the employee to provide—

''(1) a written statement describing the domestic violence and its effects;

''(2) documentation of the domestic violence involved, such as a police or court record, or documentation from a shelter worker, an employee of a domestic violence program, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic violence and its effects; or

''(3) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim of domestic violence, or physical evidence of domestic violence, such as a photograph, torn or bloody clothing, or other damaged property.

''(g) All evidence provided to the employing agency under subsection (f) of domestic violence experienced by an employee or the son, daughter, or parent of an employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing, or caring for a son, daughter, or parent who is addressing, domestic violence and its effects, shall be retained in the strictest confidence by the employing agency, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of—

''(1) protecting the safety of the employee or a family member or co-worker of the employee; or

''(2) assisting in documenting domestic violence for a court or agency.''.

SEC. ___6. EXISTING LEAVE USABLE FOR DOMESTIC VIOLENCE.

(a) DEFINITIONS.—In this section:

(1) ADDRESSING DOMESTIC VIOLENCE AND ITS EFFECTS.—The term ''addressing domestic violence and its effects'' has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611), as amended in section ___4(a).

(2) EMPLOYEE.—The term ''employee'' means any person employed by an employer. In the case of an individual employed by a public agency, such term means an individual employed as described in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(3) EMPLOYER.—The term ''employer''—

(A) means any person engaged in commerce or in any industry or activity affecting commerce who employs individuals, if such person is also subject to the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) or to any provision of a State or local law, collective bargaining agreement, or employment benefits program or plan, addressing paid or unpaid leave from employment (including family, medical, sick, annual, personal, or similar leave); and

(B) includes any person acting directly or indirectly in the interest of an employer in relation to any employee, and includes a public agency, who is subject to a law, agreement, program, or plan described in subparagraph (A), but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

(4) EMPLOYMENT BENEFITS.—The term ''employment benefits'' has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(5) PARENT; SON OR DAUGHTER.—The terms ''parent'' and ''son or daughter'' have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(6) PUBLIC AGENCY.—The term ''public agency'' has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(b) USE OF EXISTING LEAVE.—An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to State or local law, a collective bargaining agreement, or an employment benefits program or plan, shall be permitted to use such leave for the purpose of addressing domestic violence and its effects, or for the purpose of caring for a son or daughter or parent of the employee, if such son or daughter or parent is addressing domestic violence and its effects.

(c) CERTIFICATION.—In determining whether an employee qualifies to use leave as described in subsection (b), an employer may require a written statement, documentation of domestic violence, or corroborating evidence consistent with section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)), as amended by section ___4(c).

(d) CONFIDENTIALITY.—All evidence provided to the employer under subsection (c) of domestic violence experienced by an employee or the son or daughter or parent of the employee, including a statement of an employee, any other documentation or corroborating evidence, and the fact that an

employee has requested leave for the purpose of addressing, or caring for a son or daughter or parent who is addressing, domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is requested, or consented to, by the employee for the purpose of—

(1) protecting the safety of the employee or a family member or co-worker of the employee; or

(2) assisting in documenting domestic violence for a court or agency.

(e) PROHIBITED ACTS.—

(1) INTERFERENCE WITH RIGHTS.—

(A) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this section.

(B) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against an individual for opposing any practice made unlawful by this section.

(2) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(A) has filed any charge, or had instituted or caused to be instituted any proceeding, under or related to this section;

(B) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this section; or

(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this section.

(f) ENFORCEMENT.—

(1) PUBLIC ENFORCEMENT.—The Secretary of Labor shall have the powers set forth in subsections (b), (c), (d), and (e) of section 107 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617) for the purpose of public agency enforcement of any alleged violation of subsection (e) against any employer.

(2) PRIVATE ENFORCEMENT.—The remedies and procedures set forth in section 107(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617(a)) shall be the remedies and procedures pursuant to which an employee may initiate a legal action against an employer for alleged violations of subsection (e).

(3) REFERENCES.—For purposes of paragraph (1) and (2), references in section 107 of the Family and Medical Leave Act of 1993 to section 105 of such Act shall be considered to be references to subsection (e).

(4) EMPLOYER LIABILITY UNDER OTHER LAWS.—Nothing in this section shall be construed to limit the liability of an employer to an employee for harm suffered relating to the employee's experience of domestic violence pursuant to any other Federal or State law, including a law providing for a legal remedy.

SEC. ___7. EFFECT ON OTHER LAWS AND EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—Nothing in this title or the amendments made by this title shall be construed to supersede any provision of any Federal, State, or local law, collective bargaining agreement, or other employment benefits program or plan that provides greater unemployment compensation or leave benefits for employed victims of domestic violence than the rights established under this title or such amendments.

(b) LESS PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—The rights established for employees under this title or the amendments made by this title shall not be diminished by any State or local law, collective bargaining agreement, or employment benefits program or plan.

SEC. ___8. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), this title and the amendments made by this title take effect 180 days after the date of enactment of this Act.

(b) UNEMPLOYMENT COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by section ___3 shall apply in the case of compensation paid for weeks beginning on or after the expiration of 180 days from the date of enactment of this Act.

(2) MEETING OF STATE LEGISLATURE.—

(A) IN GENERAL.—If the Secretary of Labor identifies a State as requiring a change to its statutes or regulations in order to comply with the amendments made by section ___3, the amendments made by section ___3 shall apply in the case of compensation paid for weeks beginning after the earlier of—

(i) the date the State changes its statutes or regulations in order to comply with the amendments made by section ___3; or

(ii) the end of the first session of the State legislature which begins after the date of enactment of this Act or which began prior to such date and remained in session for at least 25 calendar days after such date;

except that in no case shall the amendments made by this title apply before the date that is 180 days after the date of enactment of this Act.

(B) SESSION DEFINED.—In this paragraph, the term ''session'' means a regular, special, budget, or other session of a State legislature.

AMENDMENT NO. 1699

At the appropriate place, insert the following:

TITLE ___—VICTIMS OF ABUSE INSURANCE PROTECTION

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Victims of Abuse Insurance Protection Act''.

SEC. ___02. DEFINITIONS.

In this title:

(1) ABUSE.—The term ''abuse'' means the occurrence of 1 or more of the following acts by a current or former household or family member, intimate partner, or caretaker:

(A) Attempting to cause or causing another person bodily injury, physical harm, substantial emotional distress, psychological trauma, rape, sexual assault, or involuntary sexual intercourse.

(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority and under circumstances that place the person in reasonable fear of bodily injury or physical harm.

(C) Subjecting another person to false imprisonment or kidnapping.

(D) Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

(2) HEALTH CARRIER.—The term ''health carrier'' means a person that contracts or offers to contract on a risk-assuming basis to provide, deliver, arrange for, pay for or reimburse any of the cost of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health services.

(3) INSURED.—The term ''insured'' means a party named on a policy, certificate, or health benefit plan, including an individual, corporation, partnership, association, unincorporated organization or any similar entity, as the person with legal rights to the benefits provided by the policy, certificate, or health benefit plan. For group insurance, such term includes a person who is a beneficiary covered by a group policy, certificate, or health benefit plan. For life insurance, the term refers to the person whose life is covered under an insurance policy.

(4) INSURER.—The term ''insurer'' means any person, reciprocal exchange, inter insurer, Lloyds insurer, fraternal benefit society, or other legal entity engaged in the business of insurance, including agents, brokers, adjusters, and third party administrators. The term also includes health carriers, health benefit plans, and life, disability, and property and casualty insurers.

(5) POLICY.—The term ''policy'' means a contract of insurance, certificate, indemnity, suretyship, or annuity issued, proposed for issuance or intended for issuance by an insurer, including endorsements or riders to an insurance policy or contract.

(6) SUBJECT OF ABUSE.—The term ''subject of abuse'' means—

(A) a person against whom an act of abuse has been directed;

(B) a person who has prior or current injuries, illnesses, or disorders that resulted from abuse; or

(C) a person who seeks, may have sought, or had reason to seek medical or psychological treatment for abuse, protection, court-ordered protection, or shelter from abuse.

SEC. ___03. DISCRIMINATORY ACTS PROHIBITED.

(a) IN GENERAL.—No insurer may, directly or indirectly, engage in any of the following acts or practices on the basis that the applicant or insured, or any person employed by the applicant or insured or with whom the applicant or insured is known to have a relationship or association, is, has been, or may be the subject of abuse or has incurred or may incur abuse-related claims:

(1) Denying, refusing to issue, renew or reissue, or canceling or otherwise terminating an insurance policy or health benefit plan.

(2) Restricting, excluding, or limiting insurance coverage for losses or denying a claim, except as otherwise permitted or required by State laws relating to life insurance beneficiaries.

(3) Adding a premium differential to any insurance policy or health benefit plan.

(b) PROHIBITION ON LIMITATION ON CLAIMS.—No insurer may, directly or indirectly, deny or limit payment of a claim incurred by an innocent insured as a result of abuse.

(c) PROHIBITION ON TERMINATION.—

(1) IN GENERAL.—No insurer or health carrier may terminate health coverage for a subject of abuse because coverage was originally issued in the name of the abuser and the abuser has divorced, separated from, or lost custody of the subject of abuse or the abuser's coverage has terminated voluntarily or involuntarily and the subject of abuse does not qualify for an extension of coverage under part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the Internal Revenue Code of 1986.

(2) PAYMENT OF PREMIUMS.—Nothing in paragraph (1) shall be construed to prohibit the insurer from requiring that the subject of abuse pay the full premium for the subject's coverage under the health plan if the requirements are applied to all insured of the health carrier.

(3) EXCEPTION.—An insurer may terminate group coverage to which this subsection applies after the continuation coverage period required by this subsection has been in force for 18 months if it offers conversion to an equivalent individual plan.

(4) CONTINUATION COVERAGE.—The continuation of health coverage required by this subsection shall be satisfied by any extension of coverage under part 6 of subtitle B of

title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the Internal Revenue Code of 1986 provided to a subject of abuse and is not intended to be in addition to any extension of coverage otherwise provided for under such part 6 or section 4980B.

(d) USE OF INFORMATION.—

(1) LIMITATION.—

(A) IN GENERAL.—In order to protect the safety and privacy of subjects of abuse, no person employed by or contracting with an insurer or health benefit plan may—

(i) use, disclose, or transfer information relating to abuse status, acts of abuse, abuse-related medical conditions or the applicant's or insured's status as a family member, employer, or associate, person in a relationship with a subject of abuse for any purpose unrelated to the direct provision of health care services unless such use, disclosure, or transfer is required by an order of an entity with authority to regulate insurance or an order of a court of competent jurisdiction; or

(ii) disclose or transfer information relating to an applicant's or insured's location or telephone number or the location and telephone number of a shelter for subjects of abuse, unless such disclosure or transfer—

(I) is required in order to provide insurance coverage; and

(II) does not have the potential to endanger the safety of a subject of abuse.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit or preclude a subject of abuse from obtaining the subject's own insurance records from an insurer.

(2) AUTHORITY OF SUBJECT OF ABUSE.—A subject of abuse, at the absolute discretion of the subject of abuse, may provide evidence of abuse to an insurer for the limited purpose of facilitating treatment of an abuse-related condition or demonstrating that a condition is abuse-related. Nothing in this paragraph shall be construed as authorizing an insurer or health carrier to disregard such provided evidence.

SEC. ___04. INSURANCE PROTOCOLS FOR SUBJECTS OF ABUSE.

Insurers shall develop and adhere to written policies specifying procedures to be followed by employees, contractors, producers, agents and brokers for the purpose of protecting the safety and privacy of a subject of abuse and otherwise implementing this title when taking an application, investigating a claim, or taking any other action relating to a policy or claim involving a subject of abuse.

SEC. ___05. REASONS FOR ADVERSE ACTIONS.

An insurer that takes an action that adversely affects a subject of abuse, shall advise the subject of abuse applicant or insured of the specific reasons for the action in writing. For purposes of this section, reference to general underwriting practices or guidelines shall not constitute a specific reason.

SEC. ___06. LIFE INSURANCE.

Nothing in this title shall be construed to prohibit a life insurer from declining to issue a life insurance policy if the applicant or prospective owner of the policy is or would be designated as a beneficiary of the policy, and if—

(1) the applicant or prospective owner of the policy lacks an insurable interest in the insured; or

(2) the applicant or prospective owner of the policy is known, on the basis of police or court records, to have committed an act of abuse against the proposed insured.

SEC. ___07. SUBROGATION WITHOUT CONSENT PROHIBITED.

Subrogation of claims resulting from abuse is prohibited without the informed consent of the subject of abuse.

SEC. ___08. ENFORCEMENT.

(a) FEDERAL TRADE COMMISSION.—

(1) IN GENERAL.—The Federal Trade Commission shall have the power to examine and investigate any insurer to determine whether such insurer has been or is engaged in any act or practice prohibited by this title.

(2) CEASE AND DESIST ORDERS.—If the Federal Trade Commission determines an insurer has been or is engaged in any act or practice prohibited by this title, the Commission may take action against such insurer by the issuance of a cease and desist order as if the insurer was in violation of section 5 of the Federal Trade Commission Act. Such cease and desist order may include any individual relief warranted under the circumstances, including temporary, preliminary, and permanent injunctive and compensatory relief.

(b) PRIVATE CAUSE OF ACTION.—

(1) IN GENERAL.—An applicant or insured who believes that the applicant or insured has been adversely affected by an act or practice of an insurer in violation of this title may maintain an action against the insurer in a Federal or State court of original jurisdiction.

(2) RELIEF.—Upon proof of such conduct by a preponderance of the evidence in an action described in paragraph (1), the court may award appropriate relief, including temporary, preliminary, and permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for the aggrieved individual's attorneys and expert witnesses.

(3) STATUTORY DAMAGES.—With respect to compensatory damages in an action described in paragraph (1), the aggrieved individual may elect, at any time prior to the rendering of final judgment, to recover in lieu of actual damages, an award of statutory damages in the amount of $5,000 for each violation.

SEC. ___09. EFFECTIVE DATE.

This title shall apply with respect to any action taken on or after the date of enactment of this Act, except that section ___04 shall only apply to actions taken after the expiration of 60 days after such date of enactment.

WELLSTONE AMENDMENTS NOS. 1700–1703

(Ordered to lie on the table.)

Mr. WELLSTONE submitted four amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1700

At the appropriate place, insert the following:

SEC. ___. EVALUATION OF OUTCOME OF WELFARE REFORM AND FORMULA FOR BONUSES TO HIGH PERFORMANCE STATES.

(a) ADDITIONAL MEASURES OF STATE PERFORMANCE.—Section 403(a)(4)(C) of the Social Security Act (42 U.S.C. 603(a)(4)(C)) is amended—

(1) by striking ''Not later'' and inserting the following:

''(i) IN GENERAL.—Not later'';

(2) by inserting ''The formula shall provide for the awarding of grants under this paragraph based on criteria contained in clause (ii) and in accordance with clauses (iii) and (iv).'' after the period; and

(3) by adding at the end the following:

''(ii) FORMULA CRITERIA.—The grants awarded under this paragraph shall be based on the following:

''(I) EMPLOYMENT-RELATED MEASURES.—Employment-related measures, including work force entries, job retention, increases in earnings of recipients of assistance under the State program funded under this title, and measures of utilization of resources available under welfare-to-work grants under paragraph (5) and title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including the implementation of programs (as defined in subclause (VII)(bb)) to increase the number of individuals training for, and placed in, nontraditional employment.

''(II) MEASURES OF CHANGES IN INCOME OR NUMBER OF CHILDREN BELOW HALF OF POVERTY.—Measures of changes in income of a longitudinal sample of current recipients of assistance under the State program funded under this title (or of changes in the proportion of children in families with income below ½ of the poverty line), including earnings and the value of benefits received under that State program and food stamps.

''(III) FOOD STAMPS MEASURES.—The change since 1995 in the proportion of children in working poor families that receive food stamps to the total number of children in the State (or, if possible, to the estimated number of children in working families with incomes low enough to be eligible for food stamps).

''(IV) MEDICAID AND SCHIP MEASURES.—The percentage of members of families who are former recipients of assistance under the State program funded under this title (who have ceased to receive such assistance for approximately 6 months) who currently receive medical assistance under the State plan approved under title XIX or the child health assistance under title XXI.

''(V) CHILD CARE MEASURES.—In the case of a State that pays child care rates that are equal to at least the 75th percentile of market rates, based on a market rate survey that is not more than 2 years old, measures of the State's success in providing child care, as measured by the percentage of children in families with incomes below 85 percent of the State's median income who receive subsidized child care in the State, and by the amount of the State's expenditures on child care subsidies divided by the estimated number of children younger than 13 in families with incomes below 85 percent of the State's median income.

''(VI) MEASURES OF ADDRESSING DOMESTIC VIOLENCE.—In the case of a State that has adopted the option under the State plan relating to domestic violence set forth in section 402(a)(7) and that reports the proportion of eligible recipients of assistance under this title who disclose their status as domestic violence victims or survivors, measures of the State's success in addressing domestic violence as a barrier to economic self-sufficiency, as measured by the proportion of such recipients who are referred to and receive services under a service plan developed by an individual trained in domestic violence pursuant to section 260.55(c) of title 45 of the Code of Federal Regulations.

''(VII) DEFINITIONS.—In this clause:

''(aa) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given the term 'battered or subjected to extreme cruelty' in section 408(a)(7)((C)(iii).

''(bb) IMPLEMENTATION OF PROGRAMS.—The term 'implementation of programs' means activities conducted pursuant to section 134(a)(3)(A)(vi)(II) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(3)(A)(vi)(II)), placement of recipients in nontraditional employment, as reported to the Department of Labor pursuant to section 185(d)(1)(C) of such Act (29 U.S.C. 2935(d)(1)(C)), and the performance of the

State on other measures such as the provision of education, training, and career development assistance for nontraditional employment developed pursuant to section 136(b)(2) of such Act (29 U.S.C. 2871(b)(2))).

''(cc) NONTRADITIONAL EMPLOYMENT.—The term 'nontraditional employment' means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from 1 gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

''(dd) WORKING POOR FAMILIES.—The term 'working poor families' means families that receive earnings at least equal to a comparable amount that would be received by an individual working a half-time position for minimum wage.

''(iii) EMPLOYMENT, EARNING, AND INCOME RELATED MEASURES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on the measures of employment, earnings, and income described in subclauses (I), (II), and (V) of clause (ii), including scores for the criteria described in those items.

''(iv) MEASURES OF SUPPORT FOR WORKING FAMILIES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on measures of support for working families, including scores for the criteria described in subclauses (III), (IV) and (VI) of clause (ii).

''(v) LIMITATION OF APPLYING FOR ONLY 1 BONUS.—To qualify under any one of the employment, earnings, food stamp, or health coverage criteria described in subclauses (I), (II), (III), or (IV) of clause (ii), a State must submit the data required to compete for all of the criteria described in those subclauses.

(b) DATA COLLECTION AND REPORTING.—Section 411(a) of the Social Security Act (42 U.S.C. 611(a)) is amended by adding at the end the following:

''(8) REPORT ON OUTCOME OF WELFARE REFORM FOR STATES NOT PARTICIPATING IN BONUS GRANTS UNDER SECTION 403(a)(4).—

''(A) IN GENERAL.—In the case of a State which does not participate in the procedure for awarding grants under section 403(a)(4) pursuant to regulations prescribed by the Secretary, the report required by paragraph (1) for a fiscal quarter shall include data regarding the characteristics and well-being of former recipients of assistance under the State program funded under this title for an appropriate period of time after such recipient has ceased receiving such assistance.

''(B) CONTENTS.—The data required under subparagraph (A) shall consist of information regarding former recipients, including—

''(i) employment status;

''(ii) job retention;

''(iii) changes in income or resources;

''(iv) poverty status, including the number of children in families of such former recipients with income below ½ of the poverty line;

''(v) receipt of food stamps, medical assistance under the State plan approved under title XIX or child health assistance under title XXI, or subsidized child care;

''(vi) accessibility of child care and child care cost;

''(vii) the percentage of families in poverty receiving child care subsidies;

''(viii) measures of hardship, including lack of medical insurance and difficulty purchasing food; and

''(ix) the availability of the option under the State plan in section 402(a)(7)(relating to domestic violence) and the difficulty accessing services for victims of domestic violence.

''(C) SAMPLING.—A State may comply with this paragraph by using a scientifically acceptable sampling method approved by the Secretary.

''(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to ensure that—

''(i) data reported under this paragraph is in such a form as to promote comparison of data among States;

''(ii) a State reports, for each measure, changes in data over time and comparisons in data between such former recipients and comparable groups of current recipients; and

''(iii) a State that is already conducting a scientifically acceptable study of former recipients that provides sufficient data required under subparagraph (A) may use the results of such study to satisfy the requirements of this paragraph.''.

(c) REPORT OF CURRENTLY COLLECTED DATA.—

(1) IN GENERAL.—Not later than July 1, 2000, and annually thereafter, the Secretary of Health and Human Services shall transmit to Congress a report regarding characteristics of former and current recipients of assistance under the State program funded under this part, based on information currently being received from States.

(2) CHARACTERISTICS.—For purposes of paragraph (1), the characteristics shall include earnings, employment, and, to the extent possible, income (including earnings, the value of benefits received under the State program funded under this title, and food stamps), the ratio of income to poverty, receipt of food stamps, and other family resources.

(3) BASIS OF REPORT.—The report under paragraph (1) shall be based on longitudinal data of employer reported earnings for a sample of States, which represents at least 80 percent of the population of the United States, including separate data for each of fiscal years 1997 through 2000 regarding—

(A) a sample of former recipients;

(B) a sample of current recipients; and

(C) a sample of food stamp recipients.

(d) REPORT ON DEVELOPMENT OF MEASURES.—Not later than July 1, 2000, the Secretary of Health and Human Services shall transmit to Congress—

(1) a report regarding the development of measures required under subclauses (II) and (V) of section 403(a)(4)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)), as added by this Act, regarding subsidized child care and changes in income; and

(2) a report, prepared in consultation with domestic violence organizations, regarding the domestic violence criteria required under subclause (VI) of such section.

(e) EFFECTIVE DATES.—

(1) ADDITIONAL MEASURES OF STATE PERFORMANCE.—The amendments made by subsection (a) apply to each of fiscal years 2001 through 2003, except that the income change (or extreme child poverty) criteria and the child care criteria described in subclauses (II) and (V) of section 403(a)(4)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)) shall apply to each of fiscal years 2002 and 2003.

(2) DATA COLLECTION AND REPORTING.—The amendment made by subsection (b) shall apply to reports submitted in fiscal years beginning with fiscal year 2001.

AMENDMENT NO. 1701

At appropriate place, insert the following:

SEC. ___. DISALLOWANCE OF CERTAIN CLAIMS; PROHIBITION OF COERCIVE DEBT COLLECTION PRACTICES.

(a) IN GENERAL.—Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end of the following:

''(10) such claim arises from a transaction—

''(A) that is—

''(i) a consumer credit transaction;

''(ii) a transaction, for a fee—

''(I) in which the deposit of a personal check is deferred; or

''(II) that consists of a credit and a right to a future debit to a personal deposit account; or

''(iii) a transaction secured by a motor vehicle or the title to a motor vehicle; and

''(B) in which the annual percentage rate (as determined in accordance with section 107 of the Truth in Lending Act) exceeds 100 percent.''.

(b) UNFAIR DEBT COLLECTION PRACTICES.—

(1) IN GENERAL.—Section 808 of the Fair Debt Collection Practices Act (15 U.S.C. 1692f) is amended—

(A) in the first sentence, by striking ''A debt collector'' and inserting the following:

''(a) IN GENERAL.—A debt collector''; and

(B) by adding at the end the following:

''(b) COERCIVE DEBT COLLECTION PRACTICES.—

''(1) IN GENERAL.—It shall be unlawful for any person (including a debt collector or a creditor) who, for a fee, defers deposit of a personal check or who makes a loan in exchange for a personal check or electronic access to a personal deposit account, to—

''(A) threaten to use or use the criminal justice process to collect on the personal check or on the loan;

''(B) threaten to use or use any process to seek a civil penalty if the personal check is returned for insufficient funds; or

''(C) threaten to use or use any civil process to collect on the personal check or the loan that is not generally available to creditors to collect on loans in default.

''(2) CIVIL LIABILITY.—Any person who violates this section shall be liable to the same extent and in the same manner as a debt collector is liable under section 813 for failure to comply with a provision of this title.''.

(2) CONFORMING AMENDMENT.—Section 803(6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(6)) is amended by striking ''808(6)'' and inserting ''808(a)(6)''.

AMENDMENT NO. 1702

At appropriate place, insert the following:

SEC. ___. LOW-COST BASIC BANKING ACCOUNT.

(a) IN GENERAL.—Each insured depository institution that offers retail depository services to the public and has total aggregate assets of not less than $200,000,000 shall provide low-cost basic banking accounts (lifeline accounts), as defined by the appropriate Federal banking agency.

(b) DEFINITIONS.—In this section, the terms ''appropriate Federal banking agency'' and ''insured depository institution'' have the meanings given those terms in section 3 of the Federal Deposit Insurance Act.

AMENDMENT NO. 1703

At appropriate place, insert the following:

SEC. ___. LOW-COST BASIC BANKING ACCOUNT.

(a) IN GENERAL.—Each insured depository institution that offers retail depository services to the public and has total aggregate assets of not less than $200,000,000 shall provide low-cost basic banking accounts (lifeline accounts), as defined by the appropriate Federal banking agency.

(b) DEFINITIONS.—In this section, the terms ''appropriate Federal banking agency'' and ''insured depository institution'' have the meanings given those terms in section 3 of the Federal Deposit Insurance Act.

FEINSTEIN AMENDMENTS NOS. 1704–1705

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill, S. 625, supra, as follows:

AMENDMENT NO. 1704

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF MIGRANT SEASONAL AGRICULTURAL WORKERS.

(a) SEATS AND SEAT BELTS.—In promulgating vehicle safety standards under Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) for the transportation of workers by farm labor contractors, agricultural employers or agricultural associations, the Secretary of Labor shall ensure that each occupant or rider in, or on, any vehicle will be provide with a seat, and an operational seat belt, which are securely fastened to the vehicle in accordance with Federal seat belt laws.

AMENDMENT NO. 1705

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF MIGRANT SEASONAL AGRICULTURAL WORKERS.

(a) SEATS AND SEAT BELTS.—In promulgating vehicle safety standards under Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) for the transportation of workers by farm labor contractors, agricultural employers or agricultural associations, the Secretary of Labor shall ensure that each occupant or rider in, or on, any vehicle will be provide with a seat, and an operational seat belt, which are securely fastened to the vehicle in accordance with Federal seat belt laws.

LEAHY (AND MURRAY) AMENDMENTS NO 1706

(Ordered to lie on the table.)

Mr. LEAHY (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

On page 7, line 21, insert after the period ''In addition, the debtor's monthly expenses shall include the debtor's reasonably necessary expenses incurred to maintain the safety of the debtor and the family of the debtor from family violence as defined under section 309 of the Family Violence Prevention and Services Act (42 U.S.C. 10408), or other applicable Federal law. The expenses included in the debtor's monthly expenses described in the preceding sentence shall be kept confidential by the court.''.

LEAHY AMENDMENTS NOS. 1707–1709

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1707

On page 115, line 23, strike all through line 2 on page 116.

On page 116, line 3, strike ''(v)'' and insert ''(iv)''.

On page 116, line 8, strike ''(vi)'' and insert ''(v)''.

On page 116, line 11, strike ''(vii)'' and insert ''(vi)''.

On page 117, strike lines 5 through 20, and insert the following:

''(e) An individual debtor in a case under chapter 7 or 13 of this title shall file with the court at the request of any party in interest—

''(1) all tax returns required under applicable law, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

''(2) at the time filed with the taxing authority, all tax returns required under applicable law, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order of relief;

''(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and''.

AMENDMENT NO. 1708

On page 294, between lines 11 and 12, insert the following:

SEC. 11___. TOBACCO MULTI-STATE ACCOUNTABILITY.

(a) PURPOSE.—The purpose of this section is to provide that tobacco companies and their parent corporations may not use Federal bankruptcy law to escape their liability for the debts arising from the settlement of certain litigation by State attorneys general to hold the tobacco industry accountable for its prior actions.

(b) CONFIRMATION OF PLAN DOES NOT PROVIDE FOR DISCHARGE OF CERTAIN DEBTS ARISING FROM TOBACCO-RELATED LITIGATION.—Section 1141(d) of title 11, United States Code, as amended by section 708 of this Act, is amended by adding at the end the following:

''(6)(A) The confirmation of a plan does not discharge a debtor that is a covered corporation from any debt arising under the applicable tobacco settlement.

''(B) In this paragraph:

''(i) The term 'covered corporation' means any manufacturer of a tobacco product (as determined under an applicable tobacco settlement) and its parent corporation, as of the date of the execution of the applicable tobacco settlement.

''(ii) The term 'tobacco settlement' means—

''(I) the Master Settlement Agreement and the Smokeless Tobacco Master Settlement Agreement executed by the applicable State Attorneys General on November 23, 1998, and any subsequent amendments thereto;

''(II) the separate settlement agreements executed by the Attorneys General of the States of Florida, Minnesota, Mississippi, and Texas in 1997 and 1998, concerning their litigation against the tobacco industry; and

''(III) the National Tobacco Growers Settlement Trust executed by the applicable State Attorneys General.

''(iii) The term 'State' means any State, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

AMENDMENT NO. 1709

On page 124, insert between lines 14 and 15 the following:

SEC. 322. BANKRUPTCY APPEALS.

(a) APPEALS.—Section 158 of title 28, United States Code, is amended—

(1) in subsection (c)(1), by striking out ''Subject to subsection (b),'' and inserting in lieu thereof ''Subject to subsections (b) and (d)(2),''; and

(2) in subsection (d)—

(A) by inserting ''(1)'' after ''(d)''; and

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

''(2) A court of appeals that would have jurisdiction of a subsequent appeal under paragraph (1) or other applicable law may authorize an immediate appeal to that court, in lieu of further proceedings in a district court or before a bankruptcy appellate panel exercising appellate jurisdiction under subsection (a) or (b), if the district court or bankruptcy appellate panel hearing an appeal certifies that—

''(A) a substantial question of law or matter of public importance is presented in the appeal pending in the district court or before the bankruptcy appellate panel; and

''(B) the interests of justice require an immediate appeal to the court of appeals of the judgment, order, or decree that had been appealed to the district court or bankruptcy appellate panel.''.

(b) PROCEDURAL RULES.—

(1) IN GENERAL.—Until rules of practice and procedure are promulgated or amended under chapter 131 of title 28, United States Code, relating to appeals to a court of appeals exercising jurisdiction under section 158(d)(2) of title 28, United States Code, as added by this Act, the provisions of this subsection shall apply.

(2) CERTIFICATION.—A district court or bankruptcy appellate panel may enter a certification as described under section 158(d)(2) of title 28, United States Code, on its own or a party's motion during an appeal to the district court or bankruptcy appellate panel under section 158 (a) or (b) of such title.

(3) APPEAL.—Subject to paragraphs (1), (2), and (4) through (8) of this subsection, an appeal under section 158(d)(2) of title 28, United States Code, shall be taken in the manner prescribed under rule 5 of the Federal Rules of Appellate Procedure.

(4) FILING BASED ON CERTIFICATION.—When an appeal is requested on the basis of a certification of a district court or bankruptcy appellate panel, the petition shall be filed within 10 days after the district court or bankruptcy appellate panel enters the certification.

(5) ATTACHMENT OF CERTIFICATION.—When an appeal is requested on the basis of a certification of a district court or bankruptcy appellate panel, a copy of the certification shall be attached to the petition.

(6) APPLICATION TO BANKRUPTCY APPELLATE PANELS.—When an appeal is requested in a case pending before a bankruptcy appellate panel, rule 5 of the Federal Rules of Appellate Procedure shall apply by using the terms ''bankruptcy appellate panel'' and ''clerk of the bankruptcy appellate panel'' in lieu of the terms ''district court'' and ''district clerk'', respectively.

(7) APPLICATION OF FEDERAL RULES.—When a court of appeals authorizes an appeal, the Federal Rules of Appellate Procedure apply to the proceedings in the court of appeals, to the extent relevant, as if the appeal were taken from a final judgment, order, or decree of a district court or bankruptcy appellate panel exercising appellate jurisdiction under section 158 (a) or (b) of title 28, United States Code.

GRAMM AMENDMENT NO. 1710

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. MAXIMUM HOMESTEAD EXEMPTION.

Section 522 of title 11, United States Code, as amended by section 308 of this Act, is amended—

(1) in subsection (b)(3)(A), by striking ''subsection (n)'' and inserting ''subsections (n) and (o)''; and

(2) by adding at the end the following:

''(o) Notwithstanding any other provision of law, for purposes of subsection (b)(3)(A),

the maximum exemption under applicable State law from the property of the estate of a debtor of the value of an interest of the debtor in any real or personal property or cooperative described in paragraph (1) or (2) of subsection (n) shall not exceed $100,000, if the debtor acquired the interest—

''(1) during the 2-year period preceding the date of the filing of the petition; and

''(2) No such exemption shall be available during the 5-year period preceding the date of the filing of the petition with the intent to hinder, delay, or defraud a creditor.''.

SPECTER AMENDMENTS NOS. 1711–1712

(Ordered to lie on the table.)

Mr. SPECTER submitted two amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1711

On page 12, strike lines 20 through 22.

On page 12, line 20, insert ''finds that the action of the counsel for the debtor in filing under this chapter was frivolous.''

AMENDMENT NO. 1712

At the appropriate place in title XI, insert the following:

SEC. 11 . BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking ''Notwithstanding section 1915 of this title, the parties'' and inserting ''Subject to subsection (f), the parties''; and

(2) by adding at the end the following:

''(f)(1) The Judicial Conference of the United States shall prescribe procedures for waiving fees under this subsection.

''(2) Under the procedures described in paragraph (1), the district court or the bankruptcy court may waive a filing fee described in paragraph (3) for a case commenced under chapter 7 of title 11 if the court determines that an individual debtor is unable to pay fee in installments.

''(3) A filing fee referred to in paragraph (2) is—

''(A) a filing fee under subsection (a)(1); or

''(B) any other fee prescribed by the Judicial Conference of the United States under subsection (b) that is payable to the clerk of the district court or the clerk of the bankruptcy court upon the commencement of a case under chapter 7 of title 11.

''(4) In addition to waiving a fee described in paragraph (3) under paragraph (2), the district court or the bankruptcy court may waive any other fee prescribed under subsection (b) or (c) if the court determines that the individual is unable to pay the fee in installments.''.

MCCONNELL AMENDMENT NO. 1713

(Ordered to lie on the table.)

Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3___. COMPENSATION OF TRUSTEES IN CERTAIN CASES UNDER CHAPTER 7 OF TITLE 11, UNITED STATES CODE.

Section 326 of title 11, United States Code, is amended by adding at the end the following:

''(e) In a case that has been converted under section 706, or after a case has been converted or dismissed under section 707 or the debtor has been denied a discharge under section 727—

''(1) the court may allow reasonable compensation under section 330 for the trustee's services rendered, payable after the trustee renders services; and

''(2) any allowance made by a court under paragraph (1) shall not be subject to the limitations under subsection (a).''.

HATCH AMENDMENTS NOS. 1714–1718

(Ordered to lie on the table.)

Mr. HATCH submitted five amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1714

On page 28, line 7, after ''**debt**'', insert ''**and materially fraudulent statements in bankruptcy schedules**''.

On page 28, line 12, after the period, insert ''In addition to addressing the violations referred to in the preceding sentence, the individuals described under subsection (b) shall address violations of section 152 or 157 relating to materially fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading.''.

On page 28, line 25, strike the quotation marks and the second period.

On page 28, after line 25, insert the following:

''(d) BANKRUPTCY PROCEDURES.—The bankruptcy courts shall establish procedures for referring any case which may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under this section.''.

On page 29, strike the item between lines 3 and 4 and insert the following:

''158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules.''.

AMENDMENT NO. 1715

On page 14, between lines 14 and 15, insert the following:

(c) DISMISSAL FOR CERTAIN CRIMES.—Section 707 of title 11, United States Code, as amended by subsection (a) of this section, is amended by adding at the end the following:

''(c)(1) In this subsection—

''(A) the term 'crime of violence' has the meaning given that term in section 16 of title 18; and

''(B) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18.

''(2) Except as provided in paragraph (3), after notice and a hearing, the court, on a motion by the victim of a crime of violence or a drug trafficking crime, or at the request of a party in interest, shall dismiss a voluntary case filed by an individual debtor under this chapter if that individual was convicted of that crime.

''(3) The court may not dismiss a case under paragraph (2) if the debtor establishes by a preponderance of the evidence that the filing of a case under this chapter is necessary to satisfy a claim for a domestic support obligation.''.

On page 14, line 15, strike ''(c)'' and insert ''(d)''.

AMENDMENT NO. 1716

On page 83, between lines 4 and 5, insert the following:

SEC. 2___. PROTECTION OF EDUCATION SAVINGS.

(a) EXCLUSIONS.—Section 541 of title 11, United States Code, as amended by section 903, is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking ''or'' at the end;

(B) by redesignating paragraph (6) as paragraph (8); and

(C) by inserting after paragraph (5) the following:

''(6) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of filing of the petition, but—

''(A) only if the designated beneficiary of such account was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were placed in such account;

''(B) only to the extent that such funds—

''(i) are not pledged or promised to any entity in connection with any extension of credit; and

''(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

''(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;

''(7) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of filing of the petition, but—

''(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were paid or contributed;

''(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

''(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000; or''; and

(2) by adding at the end the following:

''(f) In determining whether any of the relationships specified in paragraph (6)(A) or (7)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child's principal place of abode the home of the debtor and is a member of the debtor's household) shall be treated as a child of such individual by blood.''.

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by sections 105(d), 304(c)(1), 305(2), 315(b), and 316 of this Act, is amended by adding at the end the following:

''(k) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program

(as defined in section 529(b)(1) of such Code).''.

AMENDMENT NO. 1717

On page 124, between lines 14 and 15, insert the following:

SEC. 3___. DEBTOR'S TRANSACTIONS WITH ATTORNEYS.

Section 329 of title 11, United States Code, is amended—

(1) in subsection (a), by striking ''Any attorney'' and inserting ''Subject to subsection (c), any attorney''; and

(2) by adding at the end the following:

''(c) Any attorney who represents a debtor in a case under chapter 13 or in connection with such a case, shall be compensated for the services described in subsection (a) on a quarterly basis during such time as a plan under subchapter II of that chapter is in effect.''.

AMENDMENT NO. 1718

On page 20, between lines 2 and 3, insert the following:

(c) FRESH START CREDIT COUNSELING.—Section 727 of title 11, United States Code, as amended by subsection (b) of this section, is amended by adding at the end the following:

''(f)(1) In addition to meeting the requirements under subsection (a), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal financial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

''(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 13 until after the date that is 10 years after the date of the discharge referred to in that paragraph.''.

On page 20, line 3, strike ''(c)'' and insert ''(d)''.

On page 20, line 22, strike the ending quotation marks and the following period.

On page 20, between lines 22 and 23, insert the following:

''(j)(1) In addition to meeting the requirements under subsection (g), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal financial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

''(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 7 until after the date that is 10 years after the date of the discharge referred to in that paragraph.''.

On page 20, line 23, strike ''(d)'' and insert ''(e)''.

On page 21, line 12, strike ''(e)'' and insert ''(f)''.

On page 21, line 25, strike the ending quotation marks and the following period.

On page 21, after line 25, add the following:

''(b)(1) In this subsection, the term 'credit counseling service'—

''(A) means—

''(i) a nonprofit credit counseling service approved under subsection (a); and

''(ii) any other consumer education program carried out by—

''(I) a trustee appointed under chapter 13; or

''(II) any other public or private entity or individual; and

''(B) does not include any counseling service provided by the attorney of the debtor or an agent of the debtor.

''(2) No attorney or agent that represents a debtor under this title may provide credit counseling services to that debtor.

''(3)(A) No credit counseling service may provide to a credit reporting agency information concerning whether an individual debtor has received or sought instruction concerning personal financial management from the credit counseling service.

''(B) A credit counseling service that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

''(i) any actual damages sustained by the debtor as a result of the violation; and

''(ii) any court costs or reasonable attorneys' fees (as determined by the court) incurred in an action to recover those damages.''.

On page 22, line 4, strike ''(f)'' and insert ''(g)''.

On page 22, before line 1, insert the following:

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall conduct a study and submit a report to Congress that—

''(A) evaluates the implementation of section 111(b)(2) of title 11, United States Code, as amended by this subsection; and

''(B) includes any recommendations for Congress.''.

On page 22, line 1, strike ''(2)'' and insert ''(3)''.

SESSIONS AMENDMENT NO. 1719

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

S. 625, the ''Bankruptcy Reform Act of 1999'' is amended in the following manner.

SEC. 204. DISCOURAGING ABUSE OF REAFFIRMATION PRACTICES.

(1) On page 25, line 1, insert ''with a debtor'' after ''communication''.

(2) On page 25, line 6, strike ''of an intention to—'' and all that follows through line 13 and insert ''to take an action which the creditor could not legally take.''

(3) On page 25, line 20, strike ''or does not intend to take,''.

(4) On page 27, line 15, strike ''or did not intend to take''.

SMITH AMENDMENTS NOS. 1720–1721

(Ordered to lie on the table.)

Mr. SMITH of Oregon submitted two amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1720

Strike all after the first word, and insert the following:

. NON-DISCHARGEABILITY OF DAMAGE AWARDS BASED ON INJURY RESULTING FROM THE PROVISION OF ABORTION SERVICES.

Section 523(a)(6) of title 11, United States Code, is amended by adding at the end thereof the following: '', or for injury resulting from the provision of abortion services.''

The provisions of this section shall take effect one day following enactment.

AMENDMENT NO. 1721

At the appropriate place, insert the following:

SEC. . NON-DISCHARGEABILITY OF DAMAGE AWARDS BASED ON INJURY RESULTING FROM THE PROVISION OF ABORTION SERVICES.

Section 523(a)(6) of title 11, United States Code, is amended by adding at the end thereof the following: '', or for injury resulting from the provision of abortion services.''

ROBB AMENDMENTS NOS. 1722–1723

(Ordered to lie on the table.)

Mr. ROBB submitted two amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1722

On page 51, strike line 24 and insert the following:

section (d); and

''(7) provide information relating to the administration of cases that is practical to any not-for-profit entity which shall provide information to parties in interest in a timely and convenient manner, including telephonic and Internet access, at no cost or a nominal cost.

An entity described in paragraph (7) shall provide parties in interest with reasonable information about each case on behalf of the trustee of that case, including the status of the debtor's payments to the plan, the unpaid balance payable to each creditor treated by the plan, and the amount and date of payments made under the plan. Neither a trustee nor a creditor shall be liable to the debtor or to any other party in interest if the information provided in the manner required by paragraph (7) is not accurate and the party claiming not to be liable acted in good faith in providing or relying upon information the entity made available under paragraph (7) or this paragraph. The trustee shall have no duty to provide information under paragraph (7) if no such entity has been established.''; and''.

AMENDMENT NO. 1723

On page 106, line 16, insert ''and not yet due and owing'' after ''previously paid''.

KERRY AMENDMENTS NOS. 1724–1725

(Ordered to lie on the table.)

Mr. KERRY submitted two amendments intended to be proposed by him to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1724

On page 155, line 10, strike all through page 157, line 8.

AMENDMENT NO. 1725

On page 155, line 16, strike ''90'' and insert ''180''.

On page 155, strike through lines 18 and 19.

On page 155, line 20, strike ''(B)'' and insert ''(A)''.

On page 155, line 22, strike ''(C)'' and insert ''(B)''.

On page 155, line 24, strike ''90'' and insert ''300''.

Beginning on page 156, line 22, strike through page 157, line 8.

Redesignate sections 430 through 435 as sections 429 through 434, respectively.

On page 159, lines 13 and 14, strike '', as amended by section 429 of this Act,''.

On page 250, line 17, strike ''432(2)'' and insert ''431(2)''.

COLLINS (AND OTHERS) AMENDMENT NO. 1726

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. KERRY, Mrs. MURRAY, Mr. STEVENS,

and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the appropriate place insert the following:

SEC. ___. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

''(7A) 'commercial fishing operation' includes—

''(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products;

''(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A); and

''(C) the transporting by vessel of a passenger for hire (as defined in section 2101 of title 46) who is engaged in recreational fishing;

''(7B) 'commercial fishing vessel' means a vessel used by a fisherman to carry out a commercial fishing operation;'';

(2) by inserting after paragraph (19) the following:

''(19A) 'family fisherman' means—

''(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquaculture for purposes of chapter 12)—

''(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

''(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

''(B) a corporation or partnership—

''(i) in which more than 50 percent of the outstanding stock or equity is held by—

''(I) 1 family that conducts the commercial fishing operation; or

''(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

''(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

''(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

''(III) if such corporation issues stock, such stock is not publicly traded;''; and

(3) by inserting after paragraph (19A) the following:

''(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;''.

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting ''or family fisherman'' after ''family farmer''.

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting ''**OR FISHERMAN**'' after ''**FAMILY FARMER**'';

(2) in section 1201, by adding at the end the following:

''(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

''(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.'';

(3) in section 1203, by inserting ''or commercial fishing operation'' after ''farm'';

(4) in section 1206, by striking ''if the property is farmland or farm equipment'' and inserting ''if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)''; and

(5) by adding at the end the following:

''§ 1232. Additional provisions relating to family fishermen

''(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

''(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

''(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

''(b) A lien described in this subsection is—

''(1) a maritime lien under subchapter III of chapter 313 of title 46 without regard to whether that lien is recorded under section 31343 of title 46; or

''(2) a lien under applicable State law (or the law of a political subdivision thereof).

''(c) Subsection (a) shall not apply to—

''(1) a claim made by a member of a crew or a seaman including a claim made for—

''(A) wages, maintenance, or cure; or

''(B) personal injury; or

''(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46.

''(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.''.

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

''12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income ..... 1201''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

''1232. Additional provisions relating to family fishermen.''.

(e) Nothing in this title is intended to change, affect, or amend the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801, et. seq.).

DEWINE AMENDMENT NO. 1727

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

On page 53, insert between lines 18 and 19 the following:

SEC. 220. NONDISCHARGEABILITY OF CERTAIN EDUCATIONAL BENEFITS AND LOANS.

Section 523(a) of title 11, United States Code, is amended by striking paragraph (8) and inserting the following:

''(8) unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor's dependents, for—

''(A)(i) an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution; or

''(ii) an obligation to repay funds received as an educational benefit, scholarship, or stipend; or

''(B) any other educational loan that is a qualified education loan, as that term is defined in section 221(e)(1) of the Internal Revenue Code of 1986, incurred by an individual debtor;''.

HATCH AMENDMENT NO. 1728

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

On page 6, line 12, insert ''11 or'' after ''chapter''.

On page 6, line 24, insert ''11 or'' after ''chapter''.

On page 14, strike lines 8 through 14 and insert the following:

''(C)(i) Only the judge, United States trustee, panel trustee, or bankruptcy administrator, shall bring a motion under section 707(b) if the debtor and the debtor's spouse combined, as of the date of the order for relief, have current monthly income which when multiplied by 12, is equal to or less than the national or applicable State median household monthly income (subject to clause (ii)) of a household of equal size.

''(ii) For a household of more than 4 individuals, the median income shall be that of a household of 4 individuals, plus $583 for each additional member of that household.''.

On page 14, in the matter between lines 18 and 19, insert ''11 or'' after ''chapter''.

On page 14, after the matter between lines 18 and 19, insert the following:

SEC. 103. FINDINGS AND STUDY.

(a) FINDINGS.—Congress finds that the Secretary of the Treasury has the inherent authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the

Secretary of the Treasury, in consultation with the Director of the Executive Office of United States Trustees, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Secretary concerning—

(A) the utilization of Internal Revenue Service standards for the purpose of section 707(b) of title 11, United States Code; and

(B) the impact that the application of those standards has had on debtors and on the bankruptcy courts.

(2) RECOMMENDATION.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Secretary of the Treasury under paragraph (1).

On page 14, line 19, strike ''103'' and insert ''104''.

On page 15, line 12, strike ''104'' and insert ''105''.

On page 17, line 19, strike ''105'' and insert ''106''.

On page 20, between lines 2 and 3, insert the following:

(c) FRESH START CREDIT COUNSELING.—Section 727 of title 11, United States Code, as amended by subsection (b) of this section, is amended by adding at the end the following:

''(f)(1) In addition to meeting the requirements under subsection (a), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal financial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

''(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 13 until after the date that is 10 years after the date of the discharge referred to in that paragraph.''.

On page 20, line 3, strike ''(c)'' and insert ''(d)''.

On page 20, line 22, strike the ending quotation marks and the following period.

On page 20, between lines 22 and 23, insert the following:

''(j)(1) In addition to meeting the requirements under subsection (g), as a condition to receiving a discharge under this section a debtor shall provide assurances that the debtor will complete by not later than 365 days after the granting of the discharge, an instructional course concerning personal financial management described in section 111. That course shall be in addition to the course completed by the debtor to meet the requirements of section 109.

''(2) If a debtor fails to meet the requirements of paragraph (1) by the date specified in that paragraph, the debtor may not file a voluntary case under this chapter or chapter 7 until after the date that is 10 years after the date of the discharge referred to in that paragraph.''.

On page 20, line 23, strike ''(d)'' and insert ''(e)''.

On page 21, line 12, strike ''(e)'' and insert ''(f)''.

On page 21, line 25, strike the ending quotation marks and the following period.

On page 21, after line 25, add the following:

''(b)(1) In this subsection, the term 'credit counseling service'—

''(A) means—

''(i) a nonprofit credit counseling service approved under subsection (a); and

''(ii) any other consumer education program carried out by—

''(I) a trustee appointed under chapter 13; or

''(II) any other public or private entity or individual; and

''(B) does not include any counseling service provided by the attorney of the debtor or an agent of the debtor.

''(2) No attorney or agent that represents a debtor under this title may provide credit counseling services to that debtor.

''(3)(A) No credit counseling service may provide to a credit reporting agency information concerning whether an individual debtor has received or sought instruction concerning personal financial management from the credit counseling service.

''(B) A credit counseling service that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

''(i) any actual damages sustained by the debtor as a result of the violation; and

''(ii) any court costs or reasonable attorneys' fees (as determined by the court) incurred in an action to recover those damages.''.

On page 22, before line 1, insert the following:

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall conduct a study and submit a report to Congress that—

(A) evaluates the implementation of section 111(b)(2) of title 11, United States Code, as amended by this subsection; and

(B) includes any recommendations for Congress.

On page 22, line 1, strike ''(2)'' and insert ''(3)''.

On page 22, line 4, strike ''(f)'' and insert ''(g)''.

On page 30, line 11, insert '', including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title,'' after ''under this title''.

On page 30, lines 14 and 15, strike ''or legal guardian; or'' and insert '', legal guardian, or responsible relative; or''.

On page 30, line 21, strike ''or legal guardian''.

On page 31, line 10, strike ''or legal guardian'' and insert '', legal guardian, or responsible relative''.

On page 32, line 9, strike all through line 3 on page 33 and insert the following:

''(1) First:

''(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such child, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of that person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

''(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date the petition was filed are assigned by a spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a government unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.''.

On page 33, line 4, strike all through page 37, line 6 and insert the following:

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

''(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed.'';

(2) in section 1208(c)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.'';

(3) in section 1222(a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(4) only if the plan provides that all of the debtor's projected disposable income for a 5-year period, beginning on the date that the first payment is due under the plan, will be applied to make payments under the plan.'';

(4) in section 1222(b)—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following:

''(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims;'';

(5) in section 1225(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that first become payable after the date on which the petition is filed.'';

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting '', and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid'' after ''completion by the debtor of all payments under the plan'';

(7) in section 1307(c)—

(A) in paragraph (9), by striking ''or'' at the end;

(B) in paragraph (10), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.'';

(8) in section 1322(a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding in the end the following:

''(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(2) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.'';

(9) in section 1322(b)—

(A) in paragraph (9), by striking ''; and'' and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

''(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and'';

(10) in section 1325(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid amounts payable after the date on which the petition is filed.''; and

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting '', and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid'' after ''completion by the debtor of all payments under the plan''.

On page 37, strike lines 10 and 11 and insert ''amended by striking paragraph (2) and inserting the''.

On page 37, lines 14 and 15, strike ''of an action or proceeding for—'' and insert ''or continuation of a civil action or proceeding—''.

On page 37, line 16, insert ''for'' after ''(i)''.

On page 37, line 19, insert ''for'' after ''(ii)''.

On page 37, line 21, strike ''or''.

On page 37, between lines 21 and 22, insert the following:

''(iii) concerning child custody or visitation;

''(iv) for the dissolution of a marriage except to the extent that such a proceeding seeks to determine the division of property which is property of the estate; or

''(v) regarding domestic violence;

On page 37, line 24, strike the quotation marks and second semicolon.

On page 37, after line 24, add the following:

''(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation pursuant to a judicial or administrative order—

''(i) for amounts that first become payable after the date the petition was filed; and

''(ii) for amounts that first became payable before the petition was filed;

''(D) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16));

''(E) the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

''(F) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)) or under an analogous State law; or

''(G) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).'';

On page 38, line 12, strike all through page 39, line 25.

On page 40, line 4, insert ''as amended by section 1110(1) of this Act,'' after ''Code,''.

On page 40, between lines 13 and 14, insert the following:

(i) by inserting ''to a spouse, former spouse, or child of the debtor and'' before ''not of the kind'';

On page 40, line 14, strike ''(i)'' and insert ''(ii)''.

On page 40, line 16, strike ''(ii)'' and insert ''(iii)''.

On page 40, insert between lines 18 and 19 the following:

(C) by striking paragraph (18); and

On page 40, line 20, strike ''(6)'' and insert ''(5)''.

On page 41, line 4, strike ''(5)'' and insert ''(4)''.

On page 41, line 7, strike ''(5)'' and insert ''(4)''.

On page 41, line 12, strike ''(5)'' and insert ''(4)''.

On page 43, strike lines 16 through 20 insert the following:

Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting ''or for a domestic support obligation that first becomes payable after the date on which the petition is filed'' after ''dependent of the debtor''.

On page 43, strike line 22 through page 44, line 2, and insert the following:

Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting ''or for a domestic support obligation that first becomes payable after the date on which the petition is filed'' after ''dependent of the debtor''.

On page 44, line 14, strike ''for support'' through line 16, and insert ''for a domestic support obligation,''.

On page 45, line 23, strike ''and''.

On page 45, between lines 23 and 24, insert the following:

''(III) the last recent known name and address of the debtor's employer; and

On page 45, line 24, strike ''(III)'' and insert ''(IV)''.

On page 46, line 2, strike ''(2), (4), or (14A)'' and insert ''(2), (3), or (14)''.

On page 46, strike lines 6 through 11 and insert the following:

''(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 46, line 19, strike ''(b)'' and insert ''(a)''.

On page 46, line 20, strike ''(5)'' and insert ''(6)''.

On page 46, line 22, strike ''(6)'' and insert ''(7)''.

On page 47, strike lines 1 through 6 and insert the following:

''(8) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c).''; and

On page 47, line 8, strike ''(b)(7)'' and insert ''(a)(7)''.

On page 48, line 7, strike ''and''.

On page 48, insert between lines 7 and 8 the following:

''(III) the last recent known name and address of the debtor's employer; and''

On page 48, line 8, strike ''(III)'' and insert ''(IV)''.

On page 48, line 11, strike ''(4), or (14A)'' and insert ''(3), or (14)''.

On page 48, strike lines 15 through 20 and insert the following:

''(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 49, strike lines 9 through 14 and insert the following:

''(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c).''; and

On page 50, line 16, strike ''and''.

On page 50, insert between lines 16 and 17 the following:

''(III) the last recent known name and address of the debtor's employer; and''.

On page 50, line 17, strike ''(III)'' and insert ''(IV)''.

On page 50, line 20, strike ''(4), or (14A)'' and insert ''(3), or (14)''.

On page 50, line 24, strike all through line 4 on page 51 and insert the following:

''(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 51, strike lines 19 through 24 and insert the following:

''(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (d).''; and

On page 52, line 24, strike ''and''.

On page 52, after line 24, add the following:

''(III) the last recent known name and address of the debtor's employer; and''.

On page 53, line 1, strike ''(III)'' and insert ''(IV)''.

On page 53, line 4, strike ''(4), or (14A)'' and insert ''(3), or (14)''.

On page 53, strike lines 8 through 13 and insert the following:

''(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 76, line 15, strike ''523(a)(9)'' and insert ''523(a)(8)''.

On page 82, strike lines 4 through 9 and insert ''title 11, United States Code, is amended by adding at the end the following:''.

On page 82, line 10, strike ''(19)'' and insert ''(18)''.

On page 91, line 23, strike ''105(d)'' and insert ''106(d)''.

On page 92, strike line 17 and insert the following:

(2) in section 521, as amended by section 106 of this Act, by adding at the end the following:

On page 92, line 18, strike ''(b)'' and insert ''(c)''.

On page 93, line 3, strike ''(2)'' and insert ''(3)''.

On page 94, line 25, strike ''105(d)'' and insert ''106(d)''.

On page 95, line 16, strike ''(c)'' and insert ''(d)''.

On page 109, line 13, strike ''by adding at the end'' and insert ''by inserting after subsection (e)''.

On page 111, strike lines 16 and 17 and insert the following:

SEC. 314. DISCHARGE PETITIONS.

On page 111, line 18, insert ''(a) DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.—'' before ''Section''.

On page 112, line 14, insert a dash after the period.

On page 112, line 19, strike ''(4)'' and insert ''(3)''.

On page 112, line 20, strike ''(3)(B), (5), (8), or (9) of section 523(a)'' and insert ''(4), (7), or (8) of section 523(a)''.

On page 113, strike line 6 and all that follows through page 114, line 19 and insert the following:

(a) NOTICE.—

(1) IN GENERAL.—Section 342 of title 11, United States Code, as amended by section 103 of this Act, is amended—

(A) by striking subsection (c);

(B) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(C) by inserting before subsection (b), as redesignated, the following:

''(a) In this section:

''(1)(A) The term 'debtor identifying information' means—

''(i) the debtor's name, address, and Federal taxpayer identification number; and

''(ii) if the information is being provided to a governmental entity, the identity of the specific department, agency, or instrumentality of the governmental unit on account of which the entity is being given notice.

''(B) In any notice a debtor provides under this title or the Federal Rules of Bankruptcy Procedure, the debtor's current account number, or other identifying number, that has been provided to the debtor or used in prior communications between the debtor and an entity shall be used when notice is given to such an entity.

''(2) The term 'notice' includes any correspondence to the entity after the commencement of the case and any notice required to be given the entity under this title or the Federal Rules of Bankruptcy Procedure.

''(3) The term 'effective notice' with respect to an entity means that notice has been served on the entity—

''(A) at the address specified under subsection (e); or

''(B) if no address is specified under subsection (e), at an address otherwise designated by this title, the Federal Rules of Bankruptcy Procedure, or applicable nonbankruptcy law for service of process to initiate a civil proceeding against the party to be notified or by court order for service on such entity in the case''; and

(D) by adding after subsection (c), as redesignated, the following:

''(d)(1) If notice is required to be given by the debtor or by the court or on the debtor's behalf to an entity under this title, any rule promulgated under this title, any applicable law, or any order of the court, such notice shall contain debtor identifying information in addition to any other required information. Such identifying information may be provided in the notice or in a separate document provided with or attached to the notice.

''(2) A petition under this title shall contain the debtor's name, address and Federal taxpayer identification number.

''(e)(1) At any time, an entity may file with the court a designation of the address or addresses at which the entity is to receive notice in cases under this title. The clerk shall maintain and make available to any entity making a request, a register in which shall be listed, alphabetically by name, the name and address or addresses for those entities which have provided the designation described in this paragraph. The register shall be maintained and made available in the form and manner as the Director of the Administrative Office for the United States Courts prescribes. The clerk shall update such register no less frequently than once each calendar month with the information contained in any designation so filed.

''(2) Subject to paragraph (3), the addresses specified in the register shall be the address to which all notices to the entity shall be sent, effective 5 business days after the date on which the information is first listed in the register.

''(3) In a particular case, an entity may file with the court and serve on the debtor and on other parties in the case notice of a different address to be used for service in that particular case. Effective 5 business days after service of such notice, any further notices that are required to be given to that entity in that case shall be given at that address.

''(f)(1)(A) Subject to the other paragraphs of this subsection and subparagraph (B), if effective notice of an action, proceeding or time within which an entity is required or permitted under this title or the Federal Rules of Bankruptcy Procedures to act or to refrain from taking action is not given to an entity—

''(i) any action, proceeding or time of which the entity was not given effective notice shall not be effective with respect to that entity; and

''(ii) any creditor which has not received effective notice shall receive the equivalent of the treatment which similar entities similarly situated received in the proceeding.

''(B) Nothing in this section shall affect the immediate applicability of the automatic stay under section 362(a).

''(2) Subject to paragraph (4), if effective notice of the commencement of the case was not given to a creditor at the times required by this title and the Federal Rules of Bankruptcy Procedures (determined without regard to paragraph (3)) the creditor's debt shall be subject to discharge only if—

''(A) the court, after notice and a hearing, finds that effective notice of the commencement of the case was given the creditor in time to permit the creditor's effective participation in the case, except that the court may not so find if effective notice is given after—

''(i) if the debt is of a kind specified in paragraph (2), (3), or (5) of section 523(a) of this title, 30 days before the last date to file a proceeding to determine the dischargeability of a debt; or

''(ii) if the debt is not of a kind specified in paragraph (2), (3), or (5) of section 523(a) of this title, 30 days before the last date for the creditor to file a proof of claim in the case; or

''(B) the creditor elects to file, within the time provided in paragraph (3), a proof of claim, or a proceeding to determine the dischargeability of the debt, and such filings shall be deemed to be timely under this title and the Federal Rules of Bankruptcy Procedure.

''(3)(A) If a time is specified by or within which an entity is required or permitted under this title or the Federal Rules of Bankruptcy Procedure to act or to refrain from taking action, such time shall begin to run against that entity only—

''(i) except as provided in paragraph (ii), when effective notice is given the entity; or

''(ii) if notice is effective only because the party claiming that effective notice was given establishes that there was actual knowledge upon the later of—

''(I) the date of actual knowledge; or

''(II) the date on which such notice should otherwise have been provided.

''(B) If no time is specified by or within which an entity is required or permitted to act under this title or the Federal Rules of Bankruptcy Procedure—

''(i) the entity shall have a minimum of 30 days, or such longer time as the court allowed to other entities, to take such required or permitted action after effective notice is given; and

''(ii) in a particular case, a court may, for good cause shown and after notice and a hearing, adjust any requirements of clause (i) which are not practicable in the circumstances, except that an entity may not be required to act before a reasonable time after effective notice is given the entity so as to allow the entity to take the required or permitted action.

''(4)(A) In a case filed under chapter 7 by an individual, a creditor's debt that is not subject to discharge under paragraphs (1) through (3), shall be subject to discharge, if—

''(i) the trustee has determined that no assets are or will be available to pay a dividend to creditors in the case with the same priority as the creditor; and

''(ii) the court has granted a debtor's request to permit amending the schedules to list the creditor or otherwise to subject the creditor's debt to discharge (including by reopening the debtor's case if necessary).

''(B)(i) Before granting a request under subparagraph (A) by the debtor, the court shall require the debtor to give the creditor effective notice of the case and provide the creditor with a minimum of 30 days to object to such request. The court shall grant such request unless the creditor files a timely objection.

''(ii) If the creditor files a timely objection the court shall not grant the request unless the court finds, after notice and a hearing, that—

''(I) the debtor has established that the failure to list the creditor was based upon excusable neglect, and

''(II) the creditor will not be prejudiced by being included in the case at the present time.

''(C) Any creditor listed by the debtor under this paragraph may file a proof of claim, a proceeding to determine the dischargeability of the debt, and any other action allowed or permitted by this title and the Federal Rules of Bankruptcy Procedure within the time limits provided in paragraph (3). Such filings shall be deemed to be timely under this title and the Federal Rules of Bankruptcy Procedure.

''(5) If there is an omission by the debtor of information required by this title or the Federal Rules of Bankruptcy Procedure to be included on the debtor's schedules, the omission shall be treated as a failure to provide effective notice under this subsection of the commencement of the case if the omitted information is material to the matter with respect to which notice is required.

''(g)(1) No sanction, including an award of attorneys fees or costs, under section 362(h) of this title or any other sanction which a court may impose on account of violations of the stay under section 362(a) of this title or failure to comply with sections 524(a), 542, or 543 of this title may be imposed on account of any action of an entity unless the action takes place after the entity has received effective notice of the commencement of the case, or with respect to section 524(a), the discharge of a debt owed the entity.

''(2) Nothing in this subsection shall be deemed to require a court to impose sanctions on an entity in circumstances other than those described in this paragraph.''.

(2) ADOPTION OF RULES PROVIDING NOTICE.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that the Judicial Conference of the United States shall promptly consult with appropriate parties, including representatives of Federal, State, and local government, with respect to the need for additional rules for providing adequate notice to State, Federal, and local government units that have regulatory authority over the debtor, and propose such rules within a reasonable period of time. Such rules shall be consistent with section 342 of title 11, United States Code, as amended by this section, and shall be designed to ensure that notice will reach the representatives of the governmental unit, or subdivision thereof, who will be the proper persons authorized to act upon the notice.

(B) RULES.—At a minimum, to the extent that it is determined that notice should be given to a particular regulatory entity, the rules shall require that the debtor, in addition to any other information required by section 342 of title 11, United States Code, shall—

(i) identify in the schedules and the notice, the department, agency, subdivision, instrumentality or entity in respect of which such notice should be received;

(ii) provide sufficient information in the list or schedule (such as case captions, permit numbers, taxpayer identification numbers, or similar identifying information) to permit the governmental unit or subdivision thereof, entitled to receive such notice, to identify the debtor or the person or entity on behalf of which the debtor is providing notice where the debtor may be a successor in interest or may not be the same as the person or entity which incurred the debt or obligation; and

(iii) identify, in appropriate schedules, which shall be required to be served on the governmental unit together with the notice, the property, if any, in respect of which any claim or regulatory obligation may have arisen, and the nature of the claim or regulatory obligation for which notice is being given.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) EXCEPTIONS TO DISCHARGE.—Section 523 of title 11, United States Code, as amended by sections 215, 223(b), 224(c), 301, 310, 314, 414, and 1110 of this Act, is further amended—

(i) in subsection (a)—

(I) by striking paragraph (3); and

(II) redesignating paragraphs (4) through (14A) as paragraphs (3) through (14), respectively;

(ii) in subsection (b), by striking ''(a)(3), or (a)(8) of this section,'' and inserting ''or (a)(7) of this section, section 342 of this title'';

(iii) in subsection (c)(1), by striking ''Except as provided in subsection (a)(3)(B) of this section,'' and inserting ''Except as provided in section 342(f),''; and

(iv) in subsection (c)(2)—

(I) by striking ''(a)(4), (a)(6), or (a)(11)'' and inserting ''(a)(3), (a)(5), or (a)(10)''; and

(II) by striking ''subsection (a)(3)(B) of this section'' and inserting ''section 342(f)''.

(B) CONFORMING AMENDMENTS.—

(i) ALLOWANCE OF CLAIMS OR INTERESTS.—Section 502(b)(5) of title 11, United States Code, is amended by striking ''section 523(a)(5)'' and inserting ''section 523(a)(4)''.

(ii) EXEMPTIONS.—Section 522(c)(3) of title 11, United States Code, is amended by striking ''section 523(a)(4) or 523(a)(6)'' and inserting ''section 523(a) (3) or (5)''.

(C) DISTRIBUTION OF PROPERTY OF THE ESTATE.—Section 726 of title 11, United States Code, is amended—

(i) in subsection (a)(2)(A), by adding ''or'' after the semicolon;

(ii) in subsection (a)(2)(B), by striking ''or'' after the semicolon;

(iii) by striking subsection (a)(2)(C); and

(iv) in subsection (a)(3), by striking all beginning with '', other'' through ''subsection''.

On page 116, line 16, strike ''(d)(1)'' and insert ''(e)(1)''.

On page 117, line 5, strike ''(e)'' and insert ''(f)''.

On page 118, line 1, strike ''(A) beginning'' and insert the following:

''(A) beginning''.

On page 118, line 5, strike ''(B) thereafter,'' and insert the following:

''(B) thereafter,''.

On page 118, line 8, strike ''(f)(1)'' and insert ''(g)(1)''.

On page 118, strike line 23 and insert the following: ''subsection (h)''.

On page 118, line 24, strike ''(g)(1)'' and insert ''(h)(1)''.

On page 119, line 21, strike ''(h)'' and insert ''(*i*)''.

On page 120, line 11, strike ''(*i*)'' and insert ''(j)''.

On page 124, strike lines 7 through 14 and insert the following:

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.

(a) PROPERTY OF THE ESTATE.—

(1) IN GENERAL.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

''§ 1115. Property of the estate

''In a case concerning an individual, property of the estate includes, in addition to the property specified in section 541—

''(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

''(2) earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

''1115. Property of the estate.''.

(b) CONTENTS OF PLAN.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(8) in a case concerning an individual, provide for the payment to creditors through the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan, except that the provision of such payment under this paragraph shall not be a required part of the plan.''.

(c) CONFIRMATION OF PLAN.—

(1) REQUIREMENTS RELATING TO VALUE OF PROPERTY.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

''(14) In a case concerning an individual in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

''(A) the value of the property to be distributed under the plan on account of such claim is, as of the effective date of the plan, not less than the amount of such claim; or

''(B) the value of the property to be distributed under the plan is not less than the debtor's projected disposable income (as that term is defined in section 1325(b)(2)) to be received during the 3-year period beginning on the date that the first payment is due under the plan, or during the term of the plan, whichever is longer.''.

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: '', except that in a case concerning an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14)''.

(d) EFFECT OF CONFIRMATION—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking ''The confirmation of a plan does not discharge an individual debtor'' and inserting ''A discharge under this chapter does not discharge a debtor''; and

(2) by adding at the end the following:

''(5) In a case concerning an individual—

''(A) except as otherwise ordered for cause shown, the discharge is not effective until

completion of all payments under the plan; and

''(B) at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

''(i) for each allowed unsecured claim, the value as of the effective date of the plan, of property actually distributed under the plan on account of that claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

''(ii) modification of the plan under 1127 of this title is not practicable.''.

(e) MODIFICATION OF PLAN.—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

''(e) In a case concerning an individual, the plan may be modified at any time after confirmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

''(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

''(2) extend or reduce the time period for such payments; or

''(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan.''.

On page 124, between lines 14 and 15, insert the following:

SEC. 322. DEBTOR'S TRANSACTIONS WITH ATTORNEYS.

Section 329 of title 11, United States Code, is amended—

(1) in subsection (a), by striking ''Any attorney'' and inserting ''Subject to subsection (c), any attorney''; and

(2) by adding at the end the following:

''(c) Any attorney who represents a debtor in a case under chapter 13 or in connection with such a case, shall be compensated for the services described in subsection (a) on a quarterly basis during such time as a plan under subchapter II of that chapter is in effect.''.

Beginning on page 135, strike line 19 and all that follows through page 136, line 2, and insert the following:

SEC. 406. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) APPOINTMENT.—Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the following: ''On its own motion or on request of a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))). The court shall increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))) upon the request of the small business concern, if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.''.

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

''(3) A committee appointed under subsection (a) shall—

''(A) provide access to information for creditors who—

''(i) hold claims of the kind represented by that committee; and

''(ii) are not appointed to the committee;

''(B) solicit and receive comments from the creditors described in subparagraph (A); and

''(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).''.

On page 145, between lines 15 and 16, insert the following:

SEC. 420. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) IN GENERAL.—

(1) DISCLOSURE.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, after consideration of the views of the Director of the Executive Office for the United States Trustees, shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms directing debtors under chapter 11 of title 11, United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) INFORMATION.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) PURPOSE.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

On page 150, line 14, insert ''and other required government filings'' after ''returns''.

On page 150, line 19, insert ''and other required government filings'' after ''returns''.

On page 152, strike lines 19 through 21 and insert the following:

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of title 11, United States Code, as amended by section 321 of this Act, is amended by adding at the end the following:

On page 153, line 1, strike ''1115'' and insert ''1116''.

On page 153, line 7, strike ''3'' and insert ''7''.

On page 154, line 9, strike the semicolon and insert ''and other required government filings; and''.

On page 154, strike lines 14 through 25.

On page 155, strike line 7 and all that follows through the matter between lines 9 and 10 and insert the following:

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

''1116. Duties of trustee or debtor in possession in small business cases.

On page 156, line 19, strike ''150'' and insert ''175''.

On page 156, line 20, strike ''150-day'' and insert ''175-day''.

On page 158, strike line 2 and insert ''the end and inserting a semicolon; and''.

On page 162, strike lines 14 through 20 and insert the following:

''(A) a plan with a reasonable possibility of being confirmed will be filed within a reasonable period of time; and

On page 162, line 21, strike ''reason is'' and insert ''grounds include''.

On page 162, line 22, strike ''that''.

On page 162, line 23, insert ''for which'' before ''there exists''.

On page 163, line 1, strike ''(ii)(I)'' and insert ''(ii)''.

On page 163, line 1, strike ''that act or omission'' and insert ''which''.

On page 163, line 3, strike '', but not'' and all that follows through line 8 and insert a period.

On page 163, line 22, insert after ''failure to maintain appropriate insurance'' the following: ''that poses a risk to the estate or to the public''.

On page 164, line 3, insert ''repeated'' before ''failure''.

On page 165, line 2, strike ''and''.

On page 165, line 3, insert ''confirmed'' before ''plan''.

On page 165, line 4, strike the period and insert ''; and''.

On page 165, between lines 4 and 5, insert the following:

''(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.

On page 165, line 23, insert ''or an examiner'' after ''trustee''.

On page 167, after line 21, insert the following:

SEC. 435. TECHNICAL CORRECTION.

Section 365(b)(2)(D) of title 11, United States Code, is amended by striking ''penalty rate or provision'' and inserting ''penalty rate or penalty provision''.

On page 169, line 6, insert ''as amended by section 430 of this Act,'' after ''Code,''.

On page 183, line 20, strike all through line 13 on page 187.

On page 232, line 7, strike all after ''by'' through line 8 and insert ''striking '7, 11, 12, or 13' and inserting '7, 11, 12, 13, or 15'.''.

On page 266, line 13, insert ''**and family fishermen**'' after ''**farmers**''.

On page 268, insert between lines 16 and 17 the following:

SEC. 1005. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

''(7A) 'commercial fishing operation' includes—

''(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products; and

''(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);'';

''(7B) 'commercial fishing vessel' means a vessel used by a fisherman to carry out a commercial fishing operation;'';

(2) by inserting after paragraph (19) the following:

''(19A) 'family fisherman' means—

''(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquaculture for purposes of chapter 12)—

''(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

''(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

''(B) a corporation or partnership—

''(i) in which more than 50 percent of the outstanding stock or equity is held by—

''(I) 1 family that conducts the commercial fishing operation; or

''(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

''(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

''(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

''(III) if such corporation issues stock, such stock is not publicly traded;''; and

(3) by inserting after paragraph (19A) the following:

''(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;''.

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting ''or family fisherman'' after ''family farmer''.

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting ''**OR FISHERMAN**'' after ''**FAMILY FARMER**'';

(2) in section 1201, by adding at the end the following:

''(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

''(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.'';

(3) in section 1203, by inserting ''or commercial fishing operation'' after ''farm'';

(4) in section 1206, by striking ''if the property is farmland or farm equipment'' and inserting ''if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)''; and

(5) by adding at the end the following:

''§ 1232. Additional provisions relating to family fishermen

''(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

''(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

''(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

''(b) A lien described in this subsection is—

''(1) a maritime lien under subchapter III of chapter 313 of title 46 without regard to whether that lien is recorded under section 31343 of title 46; or

''(2) a lien under applicable State law (or the law of a political subdivision thereof).

''(c) Subsection (a) shall not apply to—

''(1) a claim made by a member of a crew or a seaman including a claim made for—

''(A) wages, maintenance, or cure; or

''(B) personal injury; or

''(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46.

''(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.''.

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

''12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income ..... 1201''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

''1232. Additional provisions relating to family fishermen.''.

On page 281, line 21, strike ''714'' and insert ''315''.

On page 282, line 11, strike ''(a)(9)'' and insert ''(a)(8)''.

On page 282, line 13, strike ''and''.

On page 282, between lines 13 and 14, insert the following:

(3) in subsection (a)(15), as so transferred, by striking ''paragraph (5)'' and inserting ''paragraph (4)''; and

On page 282, line 14, strike ''(3)'' and insert ''(4)''.

Beginning on page 292, strike line 10 and all that follows through page 294, line 11.

On page 294, insert between lines 11 and 12 the following:

SEC. 1127. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) For a case commenced—

''(A) under chapter 7 of title 11, $160; or

''(B) under chapter 13 of title 11, $150.''.

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

''(1)(A) 46.88 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

''(B) 73.33 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;'';

(2) in paragraph (2) by striking ''one-half'' and inserting ''three-fourths''; and

(3) in paragraph (4) by striking ''one-half'' and inserting ''100 percent''.

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking ''pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931'' and inserting ''under section 1930(b) of title 28, United States Code, and 25 percent of the fees collected under section 1930(a)(1)(A) of that title, 26.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title''.

HATCH (AND TORRICELLI) AMENDMENT NO. 1729

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

On page 30, line 11, insert '', including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title,'' after ''under this title''.

On page 30, lines 14 and 15, strike ''or legal guardian; or'' and insert '', legal guardian, or responsible relative; or''.

On page 30, line 21, strike ''or legal guardian''.

On page 31, line 10, strike ''or legal guardian'' and insert '', legal guardian, or responsible relative''.

On page 32, line 9, strike all through line 3 on page 33 and insert the following:

''(1) First:

''(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such child, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of that person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

''(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date the petition was filed are assigned by a spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a government unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.''.

On page 33, line 4, strike all through page 37, line 6 and insert the following:

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

''(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed.'';

(2) in section 1208(c)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.'';

(3) in section 1222(a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(4) only if the plan provides that all of the debtor's projected disposable income for a 5-year period, beginning on the date that the first payment is due under the plan, will be applied to make payments under the plan.'';

(4) in section 1222(b)—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following:

''(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims;'';

(5) in section 1225(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that first become payable after the date on which the petition is filed.'';

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting '', and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid'' after ''completion by the debtor of all payments under the plan'';

(7) in section 1307(c)—

(A) in paragraph (9), by striking ''or'' at the end;

(B) in paragraph (10), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.'';

(8) in section 1322(a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding in the end the following:

''(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(2) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.'';

(9) in section 1322(b)—

(A) in paragraph (9), by striking ''; and'' and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

''(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and'';

(10) in section 1325(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid amounts payable after the date on which the petition is filed.''; and

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting '', and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under

such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid'' after ''completion by the debtor of all payments under the plan''.

On page 37, strike lines 10 and 11 and insert ''amended by striking paragraph (2) and inserting the''.

On page 37, lines 14 and 15, strike ''of an action or proceeding for—'' and insert ''or continuation of a civil action or proceeding—''.

On page 37, line 16, insert ''for'' after ''(i)''.

On page 37, line 19, insert ''for'' after ''(ii)''.

On page 37, line 21, strike ''or''.

On page 37, between lines 21 and 22, insert the following:

''(iii) concerning child custody or visitation;

''(iv) for the dissolution of a marriage except to the extent that such a proceeding seeks to determine the division of property which is property of the estate; or

''(v) regarding domestic violence;

On page 37, line 24, strike the quotation marks and second semicolon.

On page 37, after line 24, add the following:

''(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation pursuant to a judicial or administrative order—

''(i) for amounts that first become payable after the date the petition was filed; and

''(ii) for amounts that first became payable before the petition was filed;

''(D) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16));

''(E) the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

''(F) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)) or under an analogous State law; or

''(G) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).'';

On page 38, line 12, strike all though page 39, line 25.

On page 40, between lines 13 and 14, insert the following:

(i) by inserting ''to a spouse, former spouse, or child of the debtor and'' before ''not of the kind'';

On page 40, line 14, strike ''(i)'' and insert ''(ii)''.

On page 40, line 16, strike ''(ii)'' and insert ''(iii)''.

On page 40, insert between lines 18 and 19 the following:

(C) by striking paragraph (18); and

On page 43, strike lines 16 through 20 insert the following:

Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting ''or for a domestic support obligation that first becomes payable after the date on which the petition is filed'' after ''dependent of the debtor''.

On page 43, strike line 22 through page 44, line 2, and insert the following:

Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting ''or for a domestic support obligation that first becomes payable after the date on which the petition is filed'' after ''dependent of the debtor''.

On page 44, line 14, strike ''for support'' through line 16, and insert ''for a domestic support obligation,''.

On page 45, line 23, strike ''and''.

On page 45, between lines 23 and 24, insert the following:

''(III) the last recent known name and address of the debtor's employer; and

On page 45, line 24, strike ''(III)'' and insert ''(IV)''.

On page 46, strike lines 6 through 11 and insert the following:

''(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 46, line 19, strike ''(b)'' and insert ''(a)''.

On page 46, line 20, strike ''(5)'' and insert ''(6)''.

On page 46, line 22, strike ''(6)'' and insert ''(7)''.

On page 47, strike lines 1 through 6 and insert the following:

''(8) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c).''; and

On page 48, line 7, strike ''and''.

On page 48, insert between lines 7 and 8 the following:

''(III) the last recent known name and address of the debtor's employer; and''

On page 48, line 8, strike ''(III)'' and insert ''(IV)''.

On page 48, strike lines 15 through 20 and insert the following:

''(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 49, strike lines 9 through 14 and insert the following:

''(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c).''; and

On page 50, line 16, strike ''and''.

On page 50, insert between lines 16 and 17 the following:

''(III) the last recent known name and address of the debtor's employer; and''.

On page 50, line 17, strike ''(III)'' and insert ''(IV)''.

On page 50, line 24, strike all through line 4 on page 51 and insert the following:

''(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 51, strike lines 19 through 24 and insert the following:

''(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (d).''; and

On page 52, line 24, strike ''and''.

On page 52, after line 24, add the following:

''(III) the last recent known name and address of the debtor's employer; and''.

On page 53, line 1, strike ''(III)'' and insert ''(IV)''.

On page 53, strike lines 8 through 12 and insert the following:

''(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

On page 82, strike lines 4 through 9 and insert ''title 11, United States Code, is amended by adding at the end the following:''.

On page 82, line 10, strike ''(19)'' and insert ''(18)''.

On page 165, line 2, strike ''and''.

On page 165, line 4, strike the period and insert ''; and''.

On page 165, between lines 4 and 5, insert the following:

''(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.

GRASSLEY (AND OTHERS) AMENDMENT NO. 1730

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself, Mr. TORRICELLI, and Mr. LEAHY) submitted an amendment intended to be proposed to the bill, S. 625, supra; as follows:

Redesignate titles XI and XII as titles XII and XIII, respectively.

After title X, insert the following:

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

SEC. 1101. DEFINITIONS.

(a) HEALTH CARE BUSINESS DEFINED.—Section 101 of title 11, United States Code, as amended by section 1003(a) of this Act, is amended—

(1) by redesignating paragraph (27A) as paragraph (27B); and

(2) inserting after paragraph (27) the following:

''(27A) 'health care business'—

''(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

''(i) the diagnosis or treatment of injury, deformity, or disease; and

''(ii) surgical, drug treatment, psychiatric or obstetric care; and

''(B) includes—

''(i) any—

''(I) general or specialized hospital;

''(II) ancillary ambulatory, emergency, or surgical treatment facility;

''(III) hospice;

''(IV) home health agency; and

''(V) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), or (IV); and

''(ii) any long-term care facility, including any—

''(I) skilled nursing facility;

''(II) intermediate care facility;

''(III) assisted living facility;

''(IV) home for the aged;

''(V) domicilary care facility; and

''(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;''.

(b) PATIENT DEFINED.—Section 101 of title 11, United States Code, as amended by subsection (a) of this section, is amended by inserting after paragraph (40) the following:

''(40A) 'patient' means any person who obtains or receives services from a health care business;''.

(c) PATIENT RECORDS DEFINED.—Section 101 of title 11, United States Code, as amended by subsection (b) of this section, is amended by inserting after paragraph (40A) the following:

''(40B) 'patient records' means any written document relating to a patient or record recorded in a magnetic, optical, or other form of electronic medium;''.

(d) RULE OF CONSTRUCTION.—The amendments made by subsection (a) of this section shall not affect the interpretation of section 109(b) of title 11, United States Code.

SEC. 1102. DISPOSAL OF PATIENT RECORDS.

(a) IN GENERAL.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

''§ 351. Disposal of patient records

''If a health care business commences a case under chapter 7, 9, or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

''(1) The trustee shall—

''(A) publish notice, in 1 or more appropriate newspapers, that if patient records are

not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 90 days after the date of that notification, the trustee will destroy the patient records; and

''(B) during the 90-day period described in subparagraph (A), attempt to notify directly each patient that is the subject of the patient records concerning the patient records by mailing to the last known address of that patient an appropriate notice regarding the claiming or disposing of patient records.

''(2) If after providing the notification under paragraph (1), patient records are not claimed during the 90-day period described under that paragraph, the trustee shall mail, by certified mail, at the end of such 90-day period a written request to each appropriate Federal or State agency to request permission from that agency to deposit the patient records with that agency.

''(3) If, after providing the notification under paragraph (1), patient records are not claimed during the 90-day period described in paragraph (1)(A) or in any case in which a notice is mailed under paragraph (1)(B), during the 90-day period beginning on the date on which the notice is mailed, by a patient or insurance provider in accordance with that paragraph, the trustee shall destroy those records by—

''(A) if the records are written, shredding or burning the records; or

''(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 350 the following:

''351. Disposal of patient records.''.

SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) the actual, necessary costs and expenses of closing a health care business incurred by a trustee or by a Federal agency (as that term is defined in section 551(1) of title 5) or a department or agency of a State or political subdivision thereof, including any cost or expense incurred—

''(A) in disposing of patient records in accordance with section 351; or

''(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business.''.

SEC. 1104. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.

(a) IN GENERAL.—

(1) APPOINTMENT OF OMBUDSMAN.—Subchapter II of chapter 3 of title 11, United States Code, is amended by inserting after section 331 the following:

''§ 332. Appointment of ombudsman

''(a) Not later than 30 days after a case is commenced by a health care business under chapter 7, 9, or 11, the court shall appoint an ombudsman with appropriate expertise in monitoring the quality of patient care to represent the interests of the patients of the health care business. The court may appoint as an ombudsman a person who is serving as a State Long-Term Care Ombudsman appointed under title III or VII of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq. and 3058 et seq.).

''(b) An ombudsman appointed under subsection (a) shall—

''(1) monitor the quality of patient care, to the extent necessary under the circumstances, including reviewing records and interviewing patients and physicians;

''(2) not later than 60 days after the date of appointment, and not less frequently than every 60 days thereafter, report to the court, at a hearing or in writing, regarding the quality of patient care at the health care business involved; and

''(3) if the ombudsman determines that the quality of patient care is declining significantly or is otherwise being materially compromised, notify the court by motion or written report, with notice to appropriate parties in interest, immediately upon making that determination.

''(c) An ombudsman shall maintain any information obtained by the ombudsman under this section that relates to patients (including information relating to patient records) as confidential information.''.

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 331 the following:

''332. Appointment of ombudsman.''.

(b) COMPENSATION OF OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended—

(1) in the matter proceeding subparagraph (A), by inserting ''an ombudsman appointed under section 331, or'' before ''a professional person''; and

(2) in subparagraph (A), by inserting ''ombudsman,'' before ''professional person''.

SEC. 1105. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.

(a) IN GENERAL.—Section 704(a) of title 11, United States Code, as amended by section 219 of this Act, is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(11) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

''(A) is in the vicinity of the health care business that is closing;

''(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

''(C) maintains a reasonable quality of care.''.

(b) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, is amended by striking ''704(2), 704(5), 704(7), 704(8), and 704(9)'' and inserting ''704(a) (2), (5), (7), (8), (9), and (11)''.

SEC. 1106. ESTABLISHMENT OF POLICY AND PROTOCOLS RELATING TO BANKRUPTCIES OF HEALTH CARE BUSINESSES.

Not later than 30 days after the date of enactment of this Act, the Attorney General of the United States, in consultation with the Secretary of Health and Human Services, shall establish a policy and protocols for coordinating a response to bankruptcies of health care businesses (as that term is defined in section 101 of title 11, United States Code).

SEC. 1107. EXCLUSION FROM PROGRAM PARTICIPATION NOT SUBJECT TO AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, as amended by section 901(d) of this Act, is amended—

(1) in paragraph (27), by striking ''or'' at the end;

(2) in paragraph (28), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (28) the following:

''(29) under subsection (a), of the exclusion by the Secretary of Health and Human Services of the debtor from participation in the medicare program or any other Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)) pursuant to title XI of such Act (42 U.S.C. 1301 et seq.) or title XVIII of such Act (42 U.S.C. 1395 et seq.).''.

GRASSLEY (AND OTHERS) AMENDMENT NO. 1731

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself, Mr. TORRICELLI, Mr. SPECTER, Mr. FEINGOLD, and Mr. BIDEN) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

On page 145, between lines 15 and 16, insert the following:

SEC. 420. BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking ''Notwithstanding section 1915 of this title, the parties'' and inserting ''Subject to subsection (f), the parties''; and

(2) by adding at the end the following:

''(f)(1) The Judicial Conference of the United States shall prescribe procedures for waiving fees under this subsection.

''(2) Under the procedures described in paragraph (1), the district court or the bankruptcy court may waive a filing fee described in paragraph (3) for a case commenced under chapter 7 of title 11 if the court determines that an individual debtor whose income is less than 125 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved is unable to pay that fee in installments.

''(3) A filing fee referred to in paragraph (2) is—

''(A) a filing fee under subsection (a)(1); or

''(B) any other fee prescribed by the Judicial Conference of the United States under subsection (b) that is payable to the clerk of the district court or the clerk of the bankruptcy court upon the commencement of a case under chapter 7 of title 11.

''(4) In addition to waiving a fee under paragraph (2), the district court or the bankruptcy court may waive any other fee prescribed under subsection (b) or (c) if the court determines that the individual with an income at a level described in paragraph (2) is unable to pay that fee in installments.''.

● Mr. GRASSLEY. Mr. President, I'm submitting several amendments at this time in order to comply with the unanimous-consent agreement requiring the filing of amendments. The amendments I'm filing now are indications of what I intend to offer when the Senate is cleared to consider the bankruptcy bill later this year. As such, each amendment is a work in progress. I would therefore caution my colleagues not to view these amendments as cast in stone. In particular, Senator TORRICELLI and I are negotiating with the chairman of the Banking Committee on the details of the credit card disclosure amendment.●

GRASSLEY (AND TORRICELLI) AMENDMENT NO. 1732

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

On page 6, line 12, insert ''11 or'' after ''chapter''.

On page 6, line 24, insert ''11 or'' after ''chapter''.

On page 12, lines 21 and 22, strike ''was not substantially justified'' and insert ''was frivolous''.

On page 14, strike lines 8 through 14 and insert the following:

''(C)(i) No judge, United States trustee, panel trustee, bankruptcy administrator, or other party in interest shall bring a motion under section 707(b)(2) if the debtor and the debtor's spouse combined, as of the date of the order for relief, have current monthly total income equal to or less than the national or applicable State median household monthly income calculated (subject to clause (ii)) on a semiannual basis of a household of equal size.

''(ii) For a household of more than 4 individuals, the median income shall be that of a household of 4 individuals, plus $583 for each additional member of that household.''.

On page 14, in the matter between lines 18 and 19, insert ''11 or'' after ''chapter''.

On page 14, after the matter between lines 18 and 19, insert the following:

SEC. 103. FINDINGS AND STUDY.

(a) FINDINGS.—Congress finds that the Secretary of the Treasury has the inherent authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Director of the Executive Office of United States Trustees, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Secretary concerning the utilization of Internal Revenue Service standards for determining—

(A) the current monthly expenses of a debtor under section 707(b) of title 11, United States Code; and

(B) the impact that the application of those standards has had on debtors and on the bankruptcy courts.

(2) RECOMMENDATION.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Secretary of the Treasury under paragraph (1).

On page 14, line 19, strike ''103'' and insert ''104''.

On page 15, line 12, strike ''104'' and insert ''105''.

On page 17, line 19, strike ''105'' and insert ''106''.

On page 40, line 4, insert ''as amended by section 1110(1) of this Act,'' after ''Code,''.

On page 40, line 20, strike ''(6)'' and insert ''(5)''.

On page 41, line 4, strike ''(5)'' and insert ''(4)''.

On page 41, line 7, strike ''(5)'' and insert ''(4)''.

On page 41, line 12, strike ''(5)'' and insert ''(4)''.

On page 46, line 2, strike ''(2), (4), or (14A)'' and insert ''(2), (3), or (14)''.

On page 46, line 19, strike (b)'' and insert ''(a)''.

On page 47, line 8, strike ''(b)(7)'' and insert ''(a)(7)''.

On page 48, line 11, strike ''(4), or (14A)'' and insert ''(3), or (14)''.

On page 50, line 20, strike ''(4), or (14A)'' and insert ''(3), or (14)''.

On page 53, line 4, strike ''(4), or (14A)'' and insert ''(3), or (14)''.

On page 76, line 15, strike ''523(a)(9)'' and insert ''523(a)(8)''.

On page 91, between lines 18 and 19, insert the following:

(c) MODIFICATION OF A RESTRICTION RELATING TO WAIVERS.—Section 522(e) of title 11, United States Code, is amended—

(1) in the first sentence, by striking ''subsection (b) of this section'' and inserting ''subsection (b), other than under paragraph (3)(C) of that subsection''; and

(2) in the second sentence—

(A) by inserting ''(other than property described in subsection (b)(3)(C))'' after ''property'' each place it appears; and

(B) by inserting ''(other than a transfer of property described in subsection (b)(3)(C))'' after ''transfer'' each place it appears.

On page 91, line 23, strike ''105(d)'' and insert ''106(d)''.

On page 92, strike line 17 and insert the following:

(2) in section 521, as amended by section 106 of this Act, by adding at the end the following:

On page 92, line 18, strike ''(b)'' and insert ''(c)''.

On page 93, line 3, strike ''(2)'' and insert ''(3)''.

On page 94, line 25, strike ''105(d)'' and insert ''106(d)''.

On page 95, line 16, strike ''(c)'' and insert ''(d)''.

On page 109, line 13, strike ''by adding at the end'' and insert ''by inserting after subsection (e)''.

On page 111, strike lines 16 and 17 and insert the following:

SEC. 314. DISCHARGE PETITIONS.

On page 111, line 18, insert ''(a) DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.—'' before ''Section''.

On page 112, line 14, insert a dash after the period.

On page 112, line 19, strike ''(4)'' and insert ''(3)''.

On page 112, line 20, strike ''(3)(B), (5), (8), or (9) of section 523(a)'' and insert ''(4), (7), or (8) of section 523(a)''.

On page 113, strike line 6 and all that follows through page 114, line 19 and insert the following:

(a) NOTICE.—

(1) IN GENERAL.—Section 342 of title 11, United States Code, as amended by section 103 of this Act, is amended—

(A) by striking subsection (c);

(B) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(C) by inserting before subsection (b), as redesignated, the following:

''(a) In this section:

''(1)(A) The term 'debtor identifying information' means—

''(i) the debtor's name, address, and Federal taxpayer identification number; and

''(ii) if the information is being provided to a governmental entity, the identity of the specific department, agency, or instrumentality of the governmental unit on account of which the entity is being given notice.

''(B) In any notice a debtor provides under this title or the Federal Rules of Bankruptcy Procedure, the debtor's current account number, or other identifying number, that has been provided to the debtor or used in prior communications between the debtor and an entity shall be used when notice is given to such an entity.

''(2) The term 'notice' includes any correspondence to the entity after the commencement of the case and any notice required to be given the entity under this title or the Federal Rules of Bankruptcy Procedure.

''(3) The term 'effective notice' with respect to an entity means that notice has been served on the entity—

''(A) at the address specified under subsection (e); or

''(B) if no address is specified under subsection (e), at an address otherwise designated by this title, the Federal Rules of Bankruptcy Procedure, or applicable nonbankruptcy law for service of process to initiate a civil proceeding against the party to be notified or by court order for service on such entity in the case''; and

(D) by adding after subsection (c), as redesignated, the following:

''(d)(1) If notice is required to be given by the debtor or by the court or on the debtor's behalf to an entity under this title, any rule promulgated under this title, any applicable law, or any order of the court, such notice shall contain debtor identifying information in addition to any other required information. Such identifying information may be provided in the notice or in a separate document provided with or attached to the notice.

''(2) A petition under this title shall contain the debtor's name, address and Federal taxpayer identification number.

''(e)(1) At any time, an entity may file with the court a designation of the address or addresses at which the entity is to receive notice in cases under this title. The clerk shall maintain and make available to any entity making a request, a register in which shall be listed, alphabetically by name, the name and address or addresses for those entities which have provided the designation described in this paragraph. The register shall be maintained and made available in the form and manner as the Director of the Administrative Office for the United States Courts prescribes. The clerk shall update such register no less frequently than once each calendar month with the information contained in any designation so filed.

''(2) Subject to paragraph (3), the addresses specified in the register shall be the address to which all notices to the entity shall be sent, effective 5 business days after the date on which the information is first listed in the register.

''(3) In a particular case, an entity may file with the court and serve on the debtor and on other parties in the case notice of a different address to be used for service in that particular case. Effective 5 business days after service of such notice, any further notices that are required to be given to that entity in that case shall be given at that address.

''(f)(1)(A) Subject to the other paragraphs of this subsection and subparagraph (B), if effective notice of an action, proceeding or time within which an entity is required or permitted under this title or the Federal Rules of Bankruptcy Procedures to act or to refrain from taking action is not given to an entity—

''(i) any action, proceeding or time of which the entity was not given effective notice shall not be effective with respect to that entity; and

''(ii) any creditor which has not received effective notice shall receive the equivalent of the treatment which similar entities similarly situated received in the proceeding.

''(B) Nothing in this section shall affect the immediate applicability of the automatic stay under section 362(a).

''(2) Subject to paragraph (4), if effective notice of the commencement of the case was

not given to a creditor at the times required by this title and the Federal Rules of Bankruptcy Procedures (determined without regard to paragraph (3)) the creditor's debt shall be subject to discharge only if—

''(A) the court, after notice and a hearing, finds that effective notice of the commencement of the case was given the creditor in time to permit the creditor's effective participation in the case, except that the court may not so find if effective notice is given after—

''(i) if the debt is of a kind specified in paragraph (2), (3), or (5) of section 523(a) of this title, 30 days before the last date to file a proceeding to determine the dischargeability of a debt; or

''(ii) if the debt is not of a kind specified in paragraph (2), (3), or (5) of section 523(a) of this title, 30 days before the last date for the creditor to file a proof of claim in the case; or

''(B) the creditor elects to file, within the time provided in paragraph (3), a proof of claim, or a proceeding to determine the dischargeability of the debt, and such filings shall be deemed to be timely under this title and the Federal Rules of Bankruptcy Procedure.

''(3)(A) If a time is specified by or within which an entity is required or permitted under this title or the Federal Rules of Bankruptcy Procedure to act or to refrain from taking action, such time shall begin to run against that entity only—

''(i) except as provided in paragraph (ii), when effective notice is given the entity; or

''(ii) if notice is effective only because the party claiming that effective notice was given establishes that there was actual knowledge upon the later of—

''(I) the date of actual knowledge; or

''(II) the date on which such notice should otherwise have been provided.

''(B) If no time is specified by or within which an entity is required or permitted to act under this title or the Federal Rules of Bankruptcy Procedure—

''(i) the entity shall have a minimum of 30 days, or such longer time as the court allowed to other entities, to take such required or permitted action after effective notice is given; and

''(ii) in a particular case, a court may, for good cause shown and after notice and a hearing, adjust any requirements of clause (i) which are not practicable in the circumstances, except that an entity may not be required to act before a reasonable time after effective notice is given the entity so as to allow the entity to take the required or permitted action.

''(4)(A) In a case filed under chapter 7 by an individual, a creditor's debt that is not subject to discharge under paragraphs (1) through (3), shall be subject to discharge, if—

''(i) the trustee has determined that no assets are or will be available to pay a dividend to creditors in the case with the same priority as the creditor; and

''(ii) the court has granted a debtor's request to permit amending the schedules to list the creditor or otherwise to subject the creditor's debt to discharge (including by reopening the debtor's case if necessary).

''(B)(i) Before granting a request under subparagraph (A) by the debtor, the court shall require the debtor to give the creditor effective notice of the case and provide the creditor with a minimum of 30 days to object to such request. The court shall grant such request unless the creditor files a timely objection.

''(ii) If the creditor files a timely objection the court shall not grant the request unless the court finds, after notice and a hearing, that—

''(I) the debtor has established that the failure to list the creditor was based upon excusable neglect, and

''(II) the creditor will not be prejudiced by being included in the case at the present time.

''(C) Any creditor listed by the debtor under this paragraph may file a proof of claim, a proceeding to determine the dischargeability of the debt, and any other action allowed or permitted by this title and the Federal Rules of Bankruptcy Procedure within the time limits provided in paragraph (3). Such filings shall be deemed to be timely under this title and the Federal Rules of Bankruptcy Procedure.

''(5) If there is an omission by the debtor of information required by this title or the Federal Rules of Bankruptcy Procedure to be included on the debtor's schedules, the omission shall be treated as a failure to provide effective notice under this subsection of the commencement of the case if the omitted information is material to the matter with respect to which notice is required.

''(g)(1) No sanction, including an award of attorneys fees or costs, under section 362(h) of this title or any other sanction which a court may impose on account of violations of the stay under section 362(a) of this title or failure to comply with sections 524(a), 542, or 543 of this title may be imposed on account of any action of an entity unless the action takes place after the entity has received effective notice of the commencement of the case, or with respect to section 524(a), the discharge of a debt owed the entity.

''(2) Nothing in this subsection shall be deemed to require a court to impose sanctions on an entity in circumstances other than those described in this paragraph.''.

(2) ADOPTION OF RULES PROVIDING NOTICE.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that the Judicial Conference of the United States shall promptly consult with appropriate parties, including representatives of Federal, State, and local government, with respect to the need for additional rules for providing adequate notice to State, Federal, and local government units that have regulatory authority over the debtor, and propose such rules within a reasonable period of time. Such rules shall be consistent with section 342 of title 11, United States Code, as amended by this section, and shall be designed to ensure that notice will reach the representatives of the governmental unit, or subdivision thereof, who will be the proper persons authorized to act upon the notice.

(B) RULES.—At a minimum, to the extent that it is determined that notice should be given to a particular regulatory entity, the rules shall require that the debtor, in addition to any other information required by section 342 of title 11, United States Code, shall—

(i) identify in the schedules and the notice, the department, agency, subdivision, instrumentality or entity in respect of which such notice should be received;

(ii) provide sufficient information in the list or schedule (such as case captions, permit numbers, taxpayer identification numbers, or similar identifying information) to permit the governmental unit or subdivision thereof, entitled to receive such notice, to identify the debtor or the person or entity on behalf of which the debtor is providing notice where the debtor may be a successor in interest or may not be the same as the person or entity which incurred the debt or obligation; and

(iii) identify, in appropriate schedules, which shall be required to be served on the governmental unit together with the notice, the property, if any, in respect of which any claim or regulatory obligation may have arisen, and the nature of the claim or regulatory obligation for which notice is being given.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) EXCEPTIONS TO DISCHARGE.—Section 523 of title 11, United States Code, as amended by sections 215, 223(b), 224(c), 301, 310, 314, 414, and 1110 of this Act, is further amended—

(i) in subsection (a)—

(I) by striking paragraph (3); and

(II) redesignating paragraphs (4) through (14A) as paragraphs (3) through (14), respectively;

(ii) in subsection (b), by striking ''(a)(3), or (a)(8) of this section,'' and inserting ''or (a)(7) of this section, section 342 of this title'';

(iii) in subsection (c)(1), by striking ''Except as provided in subsection (a)(3)(B) of this section,'' and inserting ''Except as provided in section 342(f),''; and

(iv) in subsection (c)(2)—

(I) by striking ''(a)(4), (a)(6), or (a)(11)'' and inserting ''(a)(3), (a)(5), or (a)(10)''; and

(II) by striking ''subsection (a)(3)(B) of this section'' and inserting ''section 342(f)''.

(B) CONFORMING AMENDMENTS.—

(i) ALLOWANCE OF CLAIMS OR INTERESTS.—Section 502(b)(5) of title 11, United States Code, is amended by striking ''section 523(a)(5)'' and inserting ''section 523(a)(4)''.

(ii) EXEMPTIONS.—Section 522(c)(3) of title 11, United States Code, is amended by striking ''section 523(a)(4) or 523(a)(6)'' and inserting ''section 523(a) (3) or (5)''.

(C) DISTRIBUTION OF PROPERTY OF THE ESTATE.—Section 726 of title 11, United States Code, is amended—

(i) in subsection (a)(2)(A), by adding ''or'' after the semicolon;

(ii) in subsection (a)(2)(B), by striking ''or'' after the semicolon;

(iii) by striking subsection (a)(2)(C); and

(iv) in subsection (a)(3), by striking all beginning with '', other'' through ''subsection''.

On page 116, line 16, strike ''(d)(1)'' and insert ''(e)(1)''.

On page 117, line 5, strike ''(e)'' and insert ''(f)''.

On page 118, line 1, strike ''(A) beginning'' and insert the following:

''(A) beginning''.

On page 118, line 5, strike ''(B) thereafter,'' and insert the following:

''(B) thereafter,''.

On page 118, line 8, strike ''(f)(1)'' and insert ''(g)(1)''.

On page 118, strike line 23 and insert the following: ''subsection (h)''.

On page 118, line 24, strike ''(g)(1)'' and insert ''(h)(1)''.

On page 119, line 21, strike ''(h)'' and insert ''(*i*)''.

On page 120, line 11, strike ''(*i*)'' and insert ''(j)''.

On page 124, strike lines 7 through 14 and insert the following:

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.

(a) PROPERTY OF THE ESTATE.—

(1) IN GENERAL.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

''§ 1115. Property of the estate

''In a case concerning an individual, property of the estate includes, in addition to the property specified in section 541—

''(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

''(2) earnings from services performed by the debtor after the commencement of the

case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

''1115. Property of the estate.''.

(b) CONTENTS OF PLAN.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(8) in a case concerning an individual, provide for the payment to creditors through the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan.''.

(c) CONFIRMATION OF PLAN.—

(1) REQUIREMENTS RELATING TO VALUE OF PROPERTY.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

''(14) In a case concerning an individual in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

''(A) the value of the property to be distributed under the plan on account of such claim is, as of the effective date of the plan, not less than the amount of such claim; or

''(B) the value of the property to be distributed under the plan is not less than the debtor's projected disposable income (as that term is defined in section 1325(b)(2)) to be received during the 3-year period beginning on the date that the first payment is due under the plan, or during the term of the plan, whichever is longer.''.

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: '', except that in a case concerning an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14)''.

(d) EFFECT OF CONFIRMATION—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking ''The confirmation of a plan does not discharge an individual debtor'' and inserting ''A discharge under this chapter does not discharge a debtor''; and

(2) by adding at the end the following:

''(5) In a case concerning an individual—

''(A) except as otherwise ordered for cause shown, the discharge is not effective until completion of all payment under the plan; and

''(B) at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

''(i) for each allowed unsecured claim, the value as of the effective date of the plan, of property actually distributed under the plan on account of that claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

''(ii) modification of the plan under 1127 of this title is not practicable.''.

(e) MODIFICATION OF PLAN.—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

''(e) In a case concerning an individual, the plan may be modified at any time after confirmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

''(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

''(2) extend or reduce the time period for such payments; or

''(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan.''.

Beginning on page 135, strike line 19 and all that follows through page 136, line 2, and insert the following:

SEC. 406. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) APPOINTMENT.—Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the following: ''On its own motion or on request of a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))), if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.''.

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

''(3) A committee appointed under subsection (a) shall—

''(A) provide access to information for creditors who—

''(i) hold claims of the kind represented by that committee; and

''(ii) are not appointed to the committee;

''(B) solicit and receive comments from the creditors described in subparagraph (A); and

''(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).''.

On page 145, between lines 15 and 16, insert the following:

SEC. 420. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) IN GENERAL.—

(1) DISCLOSURE.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, after consideration of the views of the Director of the Executive Office for the United States Trustees, shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms directing debtors under chapter 11 of title 11, United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) INFORMATION.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) PURPOSE.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

On page 150, line 14, insert ''and other required government filings'' after ''returns''.

On page 150, line 19, insert ''and other required government filings'' after ''returns''.

On page 152, strike lines 19 through 21 and insert the following:

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of title 11, United States Code, as amended by section 321 of this Act, is amended by adding at the end the following:

On page 153, line 1, strike ''1115'' and insert ''1116''.

On page 153, line 7, strike ''3'' and insert ''7''.

On page 154, line 9, strike the semicolon and insert ''and other required government filings; and''.

On page 154, strike lines 14 through 25.

On page 155, strike line 7 and all that follows through the matter between lines 9 and 10 and insert the following:

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

''1116. Duties of trustee or debtor in possession in small business cases.

On page 156, line 19, strike ''150'' and insert ''175''.

On page 156, line 20, strike ''150-day'' and insert ''175-day''.

On page 158, strike line 2 and insert ''the end and inserting a semicolon; and''.

On page 162, strike lines 14 through 20 and insert the following:

''(A) a plan with a reasonable possibility of being confirmed will be filed within a reasonable period of time; and

On page 162, line 21, strike ''reason is'' and insert ''grounds include''.

On page 162, line 22, strike ''that''.

On page 162, line 23, insert ''for which'' before ''there exists''.

On page 163, line 1, strike ''(ii)(I)'' and insert ''(ii)''.

On page 163, line 1, strike ''that act or omission'' and insert ''which''.

On page 163, line 3, strike '', but not'' and all that follows through line 8 and insert a period.

On page 163, line 22, insert after ''failure to maintain appropriate insurance'' the following: ''that poses a risk to the estate or to the public''.

On page 164, line 3, insert ''repeated'' before ''failure''.

On page 165, line 3, insert ''confirmed'' before ''plan''.

On page 165, line 23, insert ''or an examiner'' after ''trustee''.

On page 167, after line 21, insert the following:

SEC. 435. TECHNICAL CORRECTION.

Section 365(b)(2)(D) of title 11, United States Code, is amended by striking ''penalty rate or provision'' and inserting ''penalty rate or penalty provision''.

On page 169, line 6, insert ''as amended by section 430 of this Act,'' after ''Code,''.

On page 183, line 20, strike all through line 13 on page 187.

On page 232, line 7, strike all after ''by'' through line 8 and insert ''striking '7, 11, 12, or 13' and inserting '7, 11, 12, 13, or 15'.''.

On page 266, line 13, insert ''**AND FAMILY FISHERMEN**'' after ''**FARMERS**''.

On page 268, insert between lines 16 and 17 the following:

SEC. 1005. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

''(7A) 'commercial fishing operation' includes—

''(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products; and

''(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);'';

''(7B) 'commercial fishing vessel' means a vessel used by a fisherman to carry out a commercial fishing operation;'';

(2) by inserting after paragraph (19) the following:

''(19A) 'family fisherman' means—

''(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquiculture for purposes of chapter 12)—

''(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

''(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

''(B) a corporation or partnership—

''(i) in which more than 50 percent of the outstanding stock or equity is held by—

''(I) 1 family that conducts the commercial fishing operation; or

''(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

''(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

''(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

''(III) if such corporation issues stock, such stock is not publicly traded;''; and

(3) by inserting after paragraph (19A) the following:

''(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;''.

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting ''or family fisherman'' after ''family farmer''.

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting ''**OR FISHERMAN**'' after ''**FAMILY FARMER**'';

(2) in section 1201, by adding at the end the following:

''(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

''(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.'';

(3) in section 1203, by inserting ''or commercial fishing operation'' after ''farm'';

(4) in section 1206, by striking ''if the property is farmland or farm equipment'' and inserting ''if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)''; and

(5) by adding at the end the following:

''§ 1232. Additional provisions relating to family fishermen

''(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

''(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

''(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

''(b) A lien described in this subsection is—

''(1) a maritime lien under subchapter III of chapter 313 of title 46, United States Code, without regard to whether that lien is recorded under section 31343 of title 46, United States Code; or

''(2) a lien under applicable State law (or the law of a political subdivision thereof).

''(c) Subsection (a) shall not apply to—

''(1) a claim made by a member of a crew or a seaman including a claim made for—

''(A) wages, maintenance, or cure; or

''(B) personal injury; or

''(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46, United States Code.

''(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.''.

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

''12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income ..... 1201''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

''1232. Additional provisions relating to family fishermen.''.

On page 281, line 21, strike ''714'' and insert ''315''.

On page 282, line 11, strike ''(a)(9)'' and insert ''(a)(8)''.

On page 282, line 13, strike ''and''.

On page 282, between lines 13 and 14, insert the following:

(3) in subsection (a)(15), as so transferred, by striking ''paragraph (5)'' and inserting ''paragraph (4)''; and

On page 282, line 14, strike ''(3)'' and insert ''(4)''.

Beginning on page 292, strike line 10 and all that follows through page 294, line 11.

On page 294, insert between lines 11 and 12 the following:

SEC. 1127. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) For a case commenced—

''(A) under chapter 7 of title 11, $160; or

''(B) under chapter 13 of title 11, $150.''.

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

''(1)(A) 46.88 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

''(B) 73.33 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;'';

(2) in paragraph (2) by striking ''one-half'' and inserting ''three-fourths''; and

(3) in paragraph (4) by striking ''one-half'' and inserting ''100 percent''.

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking ''pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931'' and inserting ''under section 1930(b) of title 28, United States Code, and 25 percent of the fees collected under section 1930(a)(1)(A) of that title, 26.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title''.

CRAIG AMENDMENT NO. 1733

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROPERTY NO LONGER SUBJECT TO REDEMPTION.

Section 541(b) of title 11, United States Code, is amended by adding at the end the following—

''(6) any interest of the debtor in property where the debtor has pledged or sold tangible personal property or other valuable things (other than securities or written or printed evidences of indebtedness or title) as collateral for a loan or advance of money, where—

(i) the debtor has no obligation to repay the money, redeem the collateral, or buy back the property at a stipulated price, and

(ii) neither the debtor nor the trustee have exercised any right to redeem provided under the contract or state law, in a timely manner as provided under state law and Section 108(b) of this title.''.

GRAHAM AMENDMENT NO. 1734

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

Beginning on page 289, line 4, strike all through page 290, line 12 and insert the following:

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the central district of California.

(B) One additional bankruptcy judgeship for the eastern district of California.

(C) One additional bankruptcy judgeship for the southern district of Florida.

(D) One additional bankruptcy judgeship for the southern district of Mississippi.

(E) One additional bankruptcy judgeship for the northern district of New York.

(F) One additional bankruptcy judgeship for the eastern district of New York.

(G) One additional bankruptcy judgeship for the southern district of New York.

(H) One additional bankruptcy judgeship for the eastern district of North Carolina.

(I) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(J) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(K) One additional bankruptcy judgeship for the district of Puerto Rico.

On page 294, insert between lines 11 and 12 the following:

(f) PERMANENT JUDGESHIPS.—The table under section 152(a)(2) of title 28, United States Code, is amended—

(1) in the item relating to Delaware by striking ''1'' and inserting ''2'';

(2) in the item relating to New Jersey by striking ''8'' and inserting ''9'';

(3) in the item relating to Maryland by striking ''4'' and inserting ''7'';

(4) in the item relating to the eastern district for Virginia by striking ''5'' and inserting ''6'';

(5) in the item relating to the western district for Tennessee by striking ''4'' and inserting ''5'';

(6) in the item relating to the central district for California by striking ''21'' and inserting ''24'';

(7) in the item relating to the southern district for Georgia by striking ''2'' and inserting ''3''; and

(8) in the item relating to the southern district for Florida by striking ''5'' and inserting ''7''.

WELLSTONE (AND DORGAN) AMENDMENT NO. 1735

(Ordered to lie on the table.)

Mr. WELLSTONE. (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the end of the bill, add the following:

DIVISION 2—MORATORIUM ON LARGE AGRIBUSINESS MERGERS

SEC. ___01. SHORT TITLE.

This division may be cited as the ''Agribusiness Merger Moratorium and Antitrust Review Act of 1999''.

SEC. ___02. DEFINITIONS.

In this division:

(1) BROKER.—The term ''broker'' means any person engaged in the business of negotiating sales and purchases of any agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser.

(2) COMMISSION MERCHANT.—The term ''commission merchant'' means any person engaged in the business of receiving in interstate or foreign commerce any agricultural commodity for sale, on commission, or for or on behalf of another.

(3) DEALER.—The term ''dealer'' means any person (excluding agricultural cooperatives) engaged in the business of buying, selling, or marketing agricultural commodities in wholesale or jobbing quantities, as determined by the Secretary, in interstate or foreign commerce, except that no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity of that person's own raising.

(4) PROCESSOR.—The term ''processor'' means any person (excluding agricultural cooperatives) engaged in the business of handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity or the products of such agricultural commodity for sale or marketing for human consumption, except a person who manufactures (including slaughters) any product of any livestock or poultry owned by such person.

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

TITLE I—MORATORIUM ON LARGE AGRIBUSINESS MERGERS

SEC. ___11. MORATORIUM ON LARGE AGRIBUSINESS MERGERS.

(a) IN GENERAL.—

(1) MORATORIUM.—Until the date referred to in paragraph (2) and except as provided in subsection (b)—

(A) no dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than $100,000,000 shall merge or acquire, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than $10,000,000; and

(B) no dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than $10,000,000 shall merge or acquire, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than $100,000,000 if the acquiring person would hold—

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

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

(2) DATE.—The date referred to in this paragraph is the earlier of—

(A) the effective date of comprehensive legislation—

(i) addressing the problem of market concentration in the agricultural sector; and

(ii) containing a section stating that the legislation is comprehensive legislation as provided in section ___11 of the Agribusiness Merger Moratorium Act of 1999; or

(B) the date that is 18 months after the date of enactment of this Act.

(b) WAIVER AUTHORITY.—The Attorney General shall have authority to waive the moratorium imposed by subsection (a) only under extraordinary circumstances, such as insolvency or similar financial distress of 1 of the affected parties.

TITLE II—AGRICULTURE CONCENTRATION AND MARKET POWER REVIEW COMMISSION

SEC. ___21. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Agriculture Concentration and Market Power Review Commission (hereafter in this title referred to as the ''Commission'').

(b) PURPOSES.—The purpose of the Commission is to—

(1) study the nature and consequences of concentration in America's agricultural economy; and

(2) make recommendations on how to change underlying antitrust laws and other Federal laws and regulations to keep a fair and competitive agriculture marketplace for family farmers, other small and medium sized agriculture producers, generally, and the communities of which they are a part.

(c) MEMBERSHIP OF COMMISSION.—

(1) COMPOSITION.—The Commission shall be composed of 12 members as follows:

(A) Three persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader of the Senate, after consultation with the Chairman of the Committee on Agriculture, Nutrition, and Forestry.

(B) Three persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Minority Leader of the Senate, after consultation with the ranking minority member of the Committee on Agriculture, Nutrition, and Forestry.

(C) Three persons shall be appointed by the Speaker of the House of Representatives, after consultation with the Chairman of the Committee on Agriculture.

(D) Three persons shall be appointed by the Minority Leader of the House of Representatives, after consultation with the ranking minority member of the Committee on Agriculture.

(2) QUALIFICATIONS OF MEMBERS.—

(A) APPOINTMENTS.—Persons who are appointed under paragraph (1) shall be persons who—

(i) have expertise in agricultural economics and antitrust or have other pertinent qualifications or experience relating to agriculture and agriculture industries; and

(ii) are not officers or employees of the United States.

(B) OTHER CONSIDERATION.—In appointing Commission members, every effort shall be made to ensure that the members—

(i) are representative of a broad cross sector of agriculture and antitrust perspectives within the United States; and

(ii) provide fresh insights to analyzing the causes and impacts of concentration in agriculture industries and sectors.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members shall be appointed not later than 60 days after the date of enactment of this Act and the appointment shall be for the life of the Commission.

(2) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a chairperson and vice chairperson from among the members of the Commission.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(i) VOTING.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

SEC. ___22. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall be responsible for examining the nature, the causes, and consequences concentration in America's agricultural economy in the broadest possible terms.

(b) ISSUES TO BE ADDRESSED.—The study shall include an examination of the following matters:

(1) The nature and extent of concentration in the agricultural sector, including food production, transportation, processing, distribution and marketing, and farm inputs such as machinery, fertilizer, and seeds.

(2) Current trends in concentration of the agricultural sector and what this sector is likely to look like in the near and longer term future.

(3) The effect of this concentration on farmer income.

(4) The impacts of this concentration upon rural communities, rural economic development, and the natural environment.

(5) The impacts of this concentration upon food shoppers, including the reasons that Depression-level farm prices have not resulted in corresponding drops in supermarket prices.

(6) The productivity of family-based farm units, compared with corporate based agriculture, and whether farming is approaching a scale that is larger than necessary from the standpoint of productivity.

(7) The effect of current laws and administrative practices in supporting and encouraging this concentration.

(8) Whether the existing antitrust laws provide adequate safeguards against, and remedies for, the impacts of concentration upon family-based agriculture, the communities they comprise, and the food shoppers of this Nation.

(9) Such related matters as the Commission determines are important.

SEC. ___23. FINAL REPORT.

(a) IN GENERAL.—Not later than 12 months after the date of the initial meeting of the Commission, the Commission shall submit to the President and Congress a final report which contains—

(1) the findings and conclusions of the Commission described in section ___22; and

(2) recommendations for addressing the problems identified as part of the Commission's analysis.

(b) SEPARATE VIEWS.—Any member of the Commission may submit additional findings and recommendations as part of the final report.

SEC. ___24. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may find advisable to fulfill the requirements of this title. The Commission shall hold at least 1 or more hearings in Washington, D.C., and 4 in different agriculture regions of the United States.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this title. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. ___25. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. ___26. SUPPORT SERVICES.

The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. ___27. APPROPRIATIONS.

There are appropriated $2,000,000 to the Commission to carry out the provisions of this title.

TORRICELLI (AND OTHERS) AMENDMENT NO. 1736

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself, Mr. GRASSLEY, Mr. BIDEN, and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows:

At the end of the bill, add the following new title:

TITLE ___—CONSUMER CREDIT DISCLOSURE

SEC. ___01. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) MINIMUM PAYMENT DISCLOSURES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

''(11)(A) In the case of an open end credit plan that requires a minimum monthly payment of not more than 4 percent of the balance on which finance charges are accruing, the following statement, located on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures under this subsection: 'Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 2% minimum monthly payment on a balance of $1,000 at an interest rate of 17% would take 88 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum payments, call this toll-free number: _____.'.

''(B) In the case of an open end credit plan that requires a minimum monthly payment of more than 4 percent of the balance on which finance charges are accruing, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures under this subsection: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. Making a typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call this toll-free number: _____.'.

''(C) In the case of a creditor with respect to which compliance with this title is enforced by the Federal Trade Commission, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures under this subsection: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call the Federal Trade Commission at this toll-free number: _____.'.

''(D) Notwithstanding subparagraph (B) or (C), in complying with either such subparagraph, a creditor may substitute an example based on an interest rate that is greater than 17 percent.

''(E) The Board shall, by rule, periodically recalculate, as necessary, the interest rate and repayment period under subparagraphs (A), (B), and (C).

''(F) The toll-free telephone number disclosed by a creditor under subparagraph (A) or (B) may be a toll-free telephone number established and maintained by the creditor or may be a toll-free telephone number established and maintained by a third party for use by the creditor or multiple creditors. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A) or (B) by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A) or (B), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A) or (B) from an obligor through the toll-free telephone number disclosed under subparagraph (A) or (B), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i).

''(G) The Federal Trade Commission shall establish and maintain a toll-free number for the purpose of providing to consumers the information required to be disclosed under subparagraph (C).

''(H) The Board shall—

''(i) establish a detailed table illustrating the approximate number of months that it would take to repay an outstanding balance and the approximate total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no other advances

are made, which table shall clearly present standardized information to be used to disclose the information required to be disclosed under subparagraph (A), (B), or (C), as applicable;

''(ii) establish the table required under clause (i) by assuming—

''(I) a significant number of different annual percentage rates;

''(II) a significant number of different account balances;

''(III) a significant number of different minimum payment amounts; and

''(IV) that only minimum monthly payments are made and no additional extensions of credit are obtained; and

''(iii) promulgate regulations that provide instructional guidance regarding the manner in which the information contained in the table established under clause (i) should be used in responding to the request of an obligor for any information required to be disclosed under subparagraph (A), (B), or (C).''.

(b) REGULATORY IMPLEMENTATION.—The Board of Governors of the Federal Reserve System (hereafter in this Act referred to as the ''Board'') shall promulgate regulations implementing the requirements of section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section. Section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section, and the regulations issued under this subsection shall not take effect until the later of 18 months after the date of enactment of this Act or 12 months after the publication of such regulations by the Board.

(c) STUDY OF FINANCIAL DISCLOSURES.—

(1) IN GENERAL.—The Board shall conduct a study to determine whether consumers have adequate information about borrowing activities that may result in financial problems.

(2) FACTORS FOR CONSIDERATION.—In conducting the study under paragraph (1), the Board shall, in consultation with the Secretary of the Treasury and the Federal Trade Commission, consider the extent to which—

(A) consumers, in establishing new credit arrangements, are aware of their existing payment obligations, the need to consider those obligations in deciding to take on new credit, and how taking on excessive credit can result in financial difficulty;

(B) minimum periodic payment features offered in connection with open end credit plans impact consumer default rates;

(C) consumers make only the minimum payment under open end credit plans;

(D) consumers are aware that making only minimum payments will increase the cost and repayment period of an open end credit obligation; and

(E) the availability of low minimum payment options is a cause of consumers experiencing financial difficulty.

(3) REPORT TO CONGRESS.—Before the end of the 2-year period beginning on the date of enactment of this Act, the Board shall submit to Congress a report containing the findings of the Board in connection with the study required by this subsection.

(d) REGULATIONS.—The Board shall, by regulation promulgated pursuant to its authority under the Truth in Lending Act, require additional disclosures to consumers regarding minimum payment features, including periodic statement disclosures, if the Board determines, as part of its final report to Congress under subsection (c), that such disclosures are necessary, based on the findings set forth in that report. Any such regulations shall not take effect until 12 months after the publication of such regulations by the Board.

SEC. ___02. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY A DWELLING.

(a) OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking ''CONSULTATION OF TAX ADVISOR.—A statement that the'' and inserting the following: ''TAX DEDUCTIBILITY.—A statement that—

''(A) the''; and

(B) by striking the period at the end and inserting the following: ''; and

''(B) in any case in which the extension of credit exceeds the fair market value of the dwelling, the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes.''.

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking ''If any'' and inserting the following:

''(1) IN GENERAL.—If any''; and

(B) by adding at the end the following:

''(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling shall include a clear and conspicuous statement that—

''(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(B) the consumer may want to consult a tax advisor for further information regarding the deductibility of interest and charges.''.

(b) NON-OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

''(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

''(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(B) the consumer should consult a tax advisor for further information regarding the deductibility of interest and charges.''; and

(B) in subsection (b), by adding at the end the following:

''(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.''.

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

''(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling shall clearly and conspicuously state that—

''(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(2) the consumer may want to consult a tax advisor for further information regarding the deductibility of interest and charges.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective 12 months after the date of enactment of this Act.

SEC. ___03. DISCLOSURES RELATED TO ''INTRODUCTORY RATES''.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

''(6) ADDITIONAL NOTICE CONCERNING 'INTRODUCTORY RATES'.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an application or solicitation to open a credit card account and all promotional materials accompanying such application or solicitation, for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest, shall—

''(i) use the term 'introductory' in immediate proximity to each listing of the temporary annual percentage rate applicable to such account, which term shall appear in the same type size and type style used to state the temporary annual percentage rate;

''(ii) if the annual percentage rate of interest that will apply after the end of the temporary rate period will be a fixed rate, state the following in a prominent location immediately proximate to the first or otherwise most prominent listing of the temporary annual percentage rate (other than a listing of the temporary annual percentage rate in the tabular format described in section 122(c)) and in no smaller type size than the smaller of the type size in which the proximate temporary annual percentage rate appears or a 12-point type size the date on which the introductory period will end and the annual percentage rate that will apply after the end of the introductory period; and

''(iii) if the annual percentage rate that will apply after the end of the temporary rate period will vary in accordance with an index, state the following in a prominent location immediately proximate to the first or otherwise most prominent listing of the temporary annual percentage rate (other than a listing in the tabular format prescribed by section 122(c)) and in no smaller type size than the smaller of the type size in which the proximate temporary annual percentage rate appears or a 12-point type size the date on which the introductory period will end and the annual percentage rate that would apply if the introductory period ended on the date on which the application or solicitation was printed.

''(B) EXCEPTION.—Clauses (ii) and (iii) of subparagraph (A) do not apply with respect to any listing of a temporary annual percentage rate on an envelope or other enclosure in which an application or solicitation to open a credit card account is mailed.

''(C) CONDITIONS FOR INTRODUCTORY RATES.—An application or solicitation to open a credit card account for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest shall, if that rate of interest is revocable under any circumstance or upon any event, clearly and conspicuously disclose, in a prominent manner on or with such application or solicitation—

''(i) any and all circumstances or events that may result in the revocation of the temporary annual percentage rate; and

''(ii) if the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate—

''(I) will be a fixed rate, the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate; or

''(II) will vary in accordance with an index, the annual percentage rate that would apply if the temporary annual percentage rate was revoked on the date on which the application or solicitation was printed.

''(D) DEFINITIONS.—In this paragraph—

''(i) the terms 'temporary annual percentage rate of interest' and 'temporary annual

percentage rate' mean any rate of interest applicable to a credit card account for an introductory period of less than 1 year, if that rate is less than the annual percentage rate of interest that will apply if the introductory period ended on the date on which the application was printed; and

''(ii) the term 'introductory period' means the maximum time period for which the temporary annual percentage rate may be applicable.

''(E) RELATION TO OTHER DISCLOSURE REQUIREMENTS.—Nothing in this paragraph may be construed to supersede any disclosure required by paragraph (1) or any other provision of this subsection.''.

SEC. ___04. INTERNET-BASED CREDIT CARD SOLICITATIONS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

''(7) INTERNET-BASED APPLICATIONS AND SOLICITATIONS.—

''(A) IN GENERAL.—In any solicitation to open a credit card account for any person under an open end consumer credit plan using the Internet or other interactive computer service, the person making the solicitation shall clearly and conspicuously disclose—

''(i) the information described in subparagraphs (A) and (B) of paragraph (1); and

''(ii) the disclosures described in paragraph (6).

''(B) FORM OF DISCLOSURE.—The disclosures required by subparagraph (A) shall be—

''(i) readily accessible to consumers in close proximity to the solicitation to open a credit card account; and

''(ii) updated regularly to reflect the current policies, terms, and fee amounts applicable to the credit card account.

''(C) DEFINITIONS.—For purposes of this paragraph—

''(i) the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks; and

''(ii) the term 'interactive computer service' means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.''.

SEC. ___05. DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.

Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

''(12) If a charge is to be imposed due to the failure of the obligor to make payment on or before a required payment due date the following shall be stated prominently in a conspicuous location on the billing statement:

''(A) The date that payment is due or, if different, the earliest date on which a late payment fee may be charged.

''(B) The amount of the late payment charge to be imposed if payment is made after such date.''.

SEC. ___06. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

''(h) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor of an account under an open end consumer credit plan may not terminate an account prior to its expiration date solely because the consumer has not incurred finance charges on the account. Nothing in this subsection shall prohibit a creditor from terminating an account for inactivity in 3 or more consecutive months.''.

SEC. ___07. DUAL USE DEBIT CARD.

(a) STUDY REQUIRED.—The Board shall conduct a study of existing consumer protections provided to consumers at the time of the study to limit the liability of consumers for unauthorized use of a debit card or similar access device.

(b) CONSIDERATIONS.—In conducting the study under subsection (a), the Board shall consider—

(1) the extent to which section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g), as in effect at the time of the study, and the implementing regulations promulgated by the Board to carry out that section provide adequate unauthorized use liability protection for consumers;

(2) the extent to which any voluntary industry rules have enhanced the level of protection afforded consumers in connection with such unauthorized use liability; and

(3) whether amendments to the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.), or revisions to regulations promulgated by the Board to carry out that Act, are necessary to provide adequate protection for consumers concerning unauthorized use liability.

(c) REPORT AND REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Board shall make public a report on its findings with respect to the adequacy of existing protections afforded consumers with respect to unauthorized use liability for debit cards and similar access devices. If the Board determines that such protections are inadequate, the Board, pursuant to its authority under the Electronic Fund Transfer Act, may issue regulations to address such inadequacy. Any regulations issued by the Board under this paragraph shall not become effective before the end of the 36-month period beginning on the date of enactment of this Act.

SEC. ___08. STUDY OF BANKRUPTCY IMPACT OF CREDIT EXTENDED TO DEPENDENT STUDENTS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the impact that the extension of credit described in paragraph (2) has on the rate of bankruptcy cases filed under title 11, United States Code.

(2) EXTENSION OF CREDIT.—The extension of credit referred to in paragraph (1) is the extension of credit to individuals who are—

(A) claimed as dependents for purposes of the Internal Revenue Code of 1986; and

(B) enrolled in postsecondary educational institutions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Senate and the House of Representatives a report summarizing the results of the study conducted under subsection (a).

SEC. ___09. ENCOURAGING CREDITWORTHINESS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) certain lenders may sometimes offer credit to consumers indiscriminately, without taking steps to ensure that consumers are capable of repaying the resulting debt, and in a manner that may encourage certain consumers to accumulate additional debt; and

(2) resulting consumer debt may increasingly be a major contributing factor to consumer insolvency.

(b) STUDY REQUIRED.—The Board shall conduct a study of—

(1) consumer credit industry practices of soliciting and extending credit—

(A) indiscriminately;

(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

(c) REPORT AND REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Board—

(1) shall make public a report on its findings with respect to the indiscriminate solicitation and extension of credit by the credit industry;

(2) may issue regulations that would require additional disclosures to consumers; and

(3) may take any other actions, consistent with its existing statutory authority, that the Board finds necessary to ensure responsible industrywide practices and to prevent resulting consumer debt and insolvency.

HUTCHISON AMENDMENT NO. 1737

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 625, supra; as follows:

Notwithstanding and other provision of law, any Federal homestead exemption shall not apply to debtors if applicable State law provides by statute that such provisions shall not apply to debtors and shall not take effect in any State before the end of the first regular session of the State legislature following the date of enactment of this Act.''.

BROWNBACK AMENDMENT NO. 1738

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

In lieu of the language proposed to be included, insert the following:

SEC. ___. LIMITATION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(2)(A), by inserting ''subject to subsection (n),'' before ''any property''; and

(2) by adding at the end the following:

''(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate $100,000 in value in—

''(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

''(C) a burial plot for the debtor or a dependent of the debtor.

''(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(2)(A)—

''(A) by a family farmer for the principal residence of that family farmer, without regard to whether the principal residence is covered under an applicable homestead provision referred to in subparagraph (B); or

''(B) by a farmer (including, for purposes of this subparagraph, a family farmer and any person that is considered to be a farmer under applicable State law) for a site at which a farming operation of that farmer is carried out (including the principal residence of that farmer), if that site is covered under an applicable homestead provision that exempts that site under a State constitution or statute.''.

HUTCHISON AMENDMENT NO. 1739

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 625, supra; as follows:

On page 91, strike lines 15 through 18 and insert the following:

''(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case in addition to the prior case.''.

SESSIONS AMENDMENT NO. 1740

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill, S. 625, supra; as follows:

On page 1, line 3, strike all through line 10 on page 2.

HUTCHISON AMENDMENTS NOS. 1741–1743

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted three amendments intended to be proposed by her to the bill, S. 625, supra; as follows:

AMENDMENT NO. 1741

At the end of the amendment add the following: ''The preceding provisions relating to a limitation on State homestead exemptions shall not apply to debtors who are 65 years or older.''.

AMENDMENT NO. 1742

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. STUDY OF EFFECTS OF THE HOMESTEAD EXEMPTION.

The Comptroller General shall conduct a nationwide study and report to Congress any findings and recommendations not later than 1 year after the date of enactment of this Act regarding—

(1) the utilization of State homestead exemption in States where there is no limitation on the homestead exemption or in States where the limitation exceeds $100,000 to determine the income level of the debtors utilizing the homestead exemption in those States; and

(2) the extent to which those individuals who have utilized the homestead exemption in those States are prohibited from doing so by the provisions in this Act—

(A) restricting utilization of the homestead exemption to those who have resided in the State for at least 2 years (section 303);

(B) providing for enhanced judicial scrutiny of any asset transfers to the homestead within 2 years of the date of filing bankruptcy (section 303); and

(C) the presumption against allowance of filing for chapter 7 (liquidation of assets) for certain high-income individuals (section 102).

AMENDMENT NO. 1743

At the end of the amendment add the following: ''The preceding provisions relating to a limitation on State homestead exemptions shall not apply to debtors if applicable State law provides by statute that such provisions shall not apply to debtors and shall not take effect in any State before the end of the first regular session of the State legislature following the date of enactment of this Act.''.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 22, 1999 at 9:00 a.m. in Room SR–301 Russell Senate Office Building, to mark up S. Res. 172, a resolution to establish a special committee of the Senate to address the cultural crisis facing America.

For further information concerning this meeting, please contact Tamara Somerville at the Rules Committee on 4–6352.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, September 22, 1999 at 10:00 a.m. to conduct a hearing on S. 1587, a bill to amend the American Indian Trust Fund Management Reform Act of 1994 to establish within the Department of the Interior an Office of Special Trustee for Data Cleanup and Internal Control and; S. 1589, to amend the American Indian Trust Fund Management Reform Act of 1994.

The hearing will be held in room 485, Russell Senate Building.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on September 23, 1999 in SH–216 at 9:00 a.m. The purpose of this meeting will be to (1) To examine the impact of electronic trading on regulation and (2) to consider the nominations of Paul Riddick to be Assistant Secretary of Agriculture for Administration and Andrew Fish to be Assistant Secretary of Agriculture for Congressional Relations.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, September 29, 1999 at 9:30 a.m. to conduct a hearing on S. 1508, a bill to provide technical and legal assistance to tribal justice systems and members of Indian tribes.

The hearing will be held in room 485, Russell Senate Building.

Please direct any inquiries to Committee staff at 202/224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''Hybrid Pension Plans'' during the session of the Senate on Tuesday, September 21, 1999, at 9:30 a.m.

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

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on September 21, 1999, at 9:30 a.m. for the purpose of conducting a hearing.

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

ADDITIONAL STATEMENTS

TRIBUTE TO GEORGE P. CROUNSE

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the life of George P. Crounse, who passed away on August 22, 1999. His death marked the end of a five-decade career of entrepreneurship, community building, and philanthropy in Paducah, Kentucky.

A native of Minneapolis, Minnesota, George worked for the Tennessee Valley Authority and then Arrow Transportation Company, an Alabama firm. George served his country in the U.S. Navy during World War II, and came to Paducah in 1945, to work for Igert Towing. George realized the potential of his new hometown as a crossroads of the nation's major river ways, and Crounse Corporation began operations in 1949, when its first towboat, The *Alice,* began operation on the Ohio River. This was the beginning of George's dream to have his own company.

Crounse Corporation continued to grow over the years, and expanded operations to other parts of the inland waterway system. From that single boat, the *Alice,* grew one of the nation's largest towing companies which presently operates 25 towboats and 750 barges. Even more amazing, the only time George borrowed money for his operation was the $60,000 he borrowed to help construct that first boat. Aside from that initial loan, the Crounse Corporation balance sheets never showed debt. George continued to run the company as its chairman until only a few weeks prior to his death.

George led not only his own company to prosperity, but helped establish Paducah as a major center for river shipping, bringing economic growth and jobs to the area. His business acumen also was highly sought out in other areas such as banking. George was a firm believer in the principle of giving back to the community that had been so good to him, his family, and business. Entities such as the Paducah Public Library, Tilghman High School, and the new River Heritage Museum benefitted from George's generosity and guidance. We will probably never know the true extent of George's work to better the lives of all those in his community, and that's just the way George, a humble and modest man, would have wanted it.

George Crounse perhaps will best be remembered as a dogged advocate for education. In 1968, as a board member of Paducah Junior College, he helped bring the school into the statewide network of the University of Kentucky Community College System. George made sure that PJC retained ownership

of the property and buildings, making it the only community college in Kentucky controlled by the local community. When it appeared that the area was handicapped by the lack of an engineering school to serve college students in the area, George worked to establish an extension of the UK engineering school in Paducah. In fact, George and his wife, Eleanor, gave $4 million to help build a suitable facility to house the program. Though George was reluctant, the building was named Crounse Hall to acknowledge his leadership and generosity in bringing the dream to reality.

George's passing leaves a great void is left in Western Kentucky. His was truly a life well lived. I offer condolences to his wife of many years, Eleanor, and the entire Crounse family. I ask that my colleagues join me in honoring the achievements and contributions of this outstanding Kentuckian, and that an article from the Paducah Sun be printed in the CONGRESSIONAL RECORD.

The article follows.

CROUNSE'S LEGACY ONE OF GENEROSITY

(By Joe Walker)

People who knew barge company mogul George P. Crounse Sr. remember him for his ceaseless giving to the Paducah area and helping mold it into a hub of the nation's river industry.

''I was honored to be able to tell people that George Crounse was my friend,'' said Paducah Community College President Len O'Hara. ''He was a wise, visionary and generous man. There's no doubt that he did more to shape the face of the college—both Paducah Community College and Paducah Junior College—than any other individual.''

Mr. Crounse, 86, died at 8:24 p.m. Sunday at Western Baptist Hospital. Friends may call at Roth Funeral Chapel from 5 to 8 p.m. today.

Memorial services will be at 11 a.m. Wednesday at First Presbyterian Church, where he was a member. The Rev. Lynn Shurley will officiate. Burial will be private.

He was founder and past chairman of Crounse Corp., which he built from a single, leased boat to one of the nation's largest barge lines. He started the firm in 1948 after having worked with the Tennessee Valley Authority and seen how its dams improved navigation on the Tennessee River. He also knew Paducah was ideally situated near the confluence of two major rivers.

''I had learned earlier that the Tennessee (river) is a side street,'' be once wrote, ''and the Ohio and Mississippi are the main highways.''

About a month ago, in failing health, Mr. Crounse became chairman emeritus of the firm, making way for President Bill Dibert to take over as chairman. Mr. Crounse's son, Avery, a noted filmmaker, assumed the role of vice chairman.

My father was the first to show us to always plan for the inevitable,'' said Avery Crounse, who returned to Paducah to help run the business while continuing to make films. ''We've often said that no one will fill his shoes, but several of us will try to do that.''

The same is true for Paducah, which will miss Mr. Crounse immeasurably, said O'Hara. ''People don't have any idea how much he's given to this community, not only with his mind, but also contributions of money.''

In 1968, as a member of the Paducah Junior College Board of Trustees, Mr. Crounse fashioned the legal structure that brought the school into the University of Kentucky community college system while maintaining local ownership.

''He made sure PJC retained ownership of the property and buildings, so the community still owns the college,'' O'Hara said. ''It's the only one in the nation that is locally owned.''

Mr. Crounse, who told O'Hara repeatedly that higher education was Paducah's greatest need, and his wife, Eleanor, gave $4 million toward the PCC engineering school. But O'Hara said Mr. Crounse was reluctant to publicize the gift or have the school named after him and his wife.

''I told my staff this morning that I'm so happy to have been able to get it finished and for it to become a community icon before his passing,'' O'Hara said.

Because of Mr. Counse's modesty, Paducahans will never know the real extent of his beneficence, O'Hara said.

''The (public) library owes a great deal to George Crounse. Paducah Tilghman High School does, too, and a lot of other less visible charities,'' he said. ''He was very quiet about it and didn't want his named passed around, but he was always there.''

In the 1960s, Mr. Crounse used his business savvy to boost the growth of Peoples First Corp., which became a large, regional banking firm before merging with Union Planters last year Aubrey Lippert, head of Union Planters' Paducah operation, was executive vice president when Mr. Crounse was a Peoples board member.

''He was probably one of the best thinkers I've seen in being able to put together business plans and concepts and then methodically talk through how you would execute them,'' Lippert said. ''He was always very quiet, but as we used to say around our board table, when Mr. Crounse speaks, you need to listen because he always has his thoughts in order.''

Lippert said Mr. Crounse's generosity began when he came to Paducah in 1948 and continued throughout his life.

''He was a fine family man, had a great family and I have great admiration for Eleanor,'' Lippert said. ''He was the kind of citizen that you would love to have as many of as you could possibly have in the community. We'll sure miss George Crounse.''

A native of Minneapolis, Mr. Crounse worked for TVA and later Arrow Transportation, a river towing company in Sheffield, Ala. After serving in the U.S. Navy in World War II, he joined Igert Towing in late 1945 and moved to Paducah. All along, he had a desire to form his own company.

That happened three years later when Mr. Crounse put down $40,000 in cash and borrowed $60,000, which he said gave him $88,000 to build his first towboat and $12,000 for working capital. He rented a towboat to get started.

In 1949, Mr. Crounse finished construction. The Alice, named after his aunt, and immediately starting towing chemical barges on the Ohio River. Steady growth of the company led to purchasing barges in 1951 and finishing a second towboat. The Louise, in 1952. By then, coal was the main cargo.

John Cathey remembers working on The Alice and becoming pilot of The Louise, named after Mr. Crounse's mother. As the firm added towboats, Mr. Crounse ran out of family names and began naming vessels after the wives of employees like Cathey's wife, Hazel.

''That was a real honor at that time,'' Cathey said. ''He was a really smart man, and he had a good relationship with all the employees. There were times when people came in off the boats and were troubled, and he'd talk to them.''

Cathey saw the firm grow gradually, expanding to the Green River in 1956 and buying Clifton Towing Co. in 1959. Renamed Southern Barge Line Corp., the Clifton operation remained a subsidiary until 1980.

In June 1965, Crounse Corp., moved from a converted residence into its current headquarters at 2626 Broadway. In 1969, Mr. Crounse completed another major expansion by opening a branch in Maysville in eastern Kentucky to serve the upper Ohio River.

Cathey remained with Crounse Corp. for nearly 30 years, retiring as senior vice president. Aside from his initial loan to build The Alice, Mr. Crounse ran the firm in the black, Cathey said.

''One of the things I always admired him for was, we never went into debt,'' he said. ''We paid as we went.

Mr. Crounse is survived by his wife Eleanor Buchanan Crounse; his son, Avery Crounse of Paducah; his sister, Barbara Kleet of Naples, Fla.; nine grandchildren; and eight great-grandchildren.

He was preceded in death by a son, George P. Crounse Jr.; and his daughter, Virginia Cramp. His parents were Avery Fitch Crounse and Louise Ray Crounse.

Expressions of sympathy may take the form of contributions to the Paducah Cooperative Ministry, 1359 S. 6th St., Paudcah, KY 42001; Paducah Junior College Board, P.O. Box 7380, Pducah, KY 42002; or First Presbyterian Church, 200 N. 7th St., Paudcah, Ky 42001.●

TRIBUTE TO JUDGE SAMUEL J. ERVIN III

● Mr. EDWARDS. Mr. President, I rise to honor the life of a remarkable North Carolinian. Judge Sam Ervin III died last Saturday, September 18, 1999 at the age of 73. His passing has left a void—his family and friends have lost a wonderful, caring man, North Carolina has lost one of its finest citizens, and our nation has lost an honorable and respected jurist.

Judge Ervin devoted his life to public service. Born March 2, 1926 in Morganton, North Carolina to the late Senator Sam Ervin, Jr. and Margaret Bruce Ervin, Judge Ervin studied at Davidson College. He interrupted his undergraduate education for two years to serve in the U.S. Army during World War II. After attending Harvard Law School, he returned to the Army, attaining the rank of colonel while serving in the Judge Advocate General's Corps. In 1952, Judge Ervin returned to practice law in Morganton, where he would remain for the better part of the rest of his life. Judge Ervin served in the North Carolina General Assembly between 1965 and 1967, when Governor Dan Moore appointed Judge Ervin to the North Carolina Superior Court bench.

Judge Ervin was considered among the ablest Superior Court Judges of his time. Lawyers trusted that Judge Ervin would afford all litigants a full and impartial hearing and would ground his decision in the law. He was often selected by the Chief Justice of the North Carolina Supreme Court to preside over controversial trials from which local judges recused themselves.

After thirteen years as a trial judge, Judge Ervin was sworn in on May 25, 1980 as a judge on the Fourth Circuit Court of Appeals of the United States. When he was elevated to the chief judgeship of the Fourth Circuit in 1989, he became only the second North Carolinian to occupy this important position. Supreme Court Justice Lewis Powell, Jr. once described Judge Ervin as ''the very model of what a judge, especially the presiding judge of a great court, should be.''

Judge Ervin left his mark in hundreds of decisions. He always was fair and principled. He approached cases with a deep understanding of the law, but never forgetting the common sense he developed growing up in Morganton. Just last year, he participated in two important decisions affecting elections in North Carolina. In the middle of the election year, the district court issued an opinion striking down North Carolina's campaign finance statute. Judge Ervin issued a stay on the decision until the election season ended to prevent the election from devolving into confusion. Similarly, he participated in a decision to keep the primary election on May 5, 1998 for all offices except for the U.S. House, which was subject to a redistricting lawsuit, to minimize disruption for the other candidates and the electorate.

Judge Ervin had the courage to stand up for his beliefs, which he always did in his typical gracious manner. In February 1997, as a witness in a congressional hearing about proposed legislation to reduce the number of judgeships on the Fourth Circuit, he politely took issue with the Chairman of the hearing. He believed that the court's ability to render swift and certain justice would be enhanced by the filling of two long vacant positions, not by eliminating them. He stated that the degree of delegation by circuit court judges was greater than ideal and that he would like to be able to devote greater personal attention to the matters that came before him.

Because he was such a remarkable person and a dedicated jurist, he earned the lifelong admiration of dozens of young people who clerked for him over the years. He also earned the respect of his peers in the legal profession, as well as many honors over the years. Just this year, the North Carolina Bar Association accorded him its Liberty Bell Award for ''strengthening the American system of freedom under law'' and the North Carolina Academy of Trial Lawyers presented him its Outstanding Appellate Judge Award.

The Judge cherished his family, which is nothing they do not already know. What he knew about the important, everlasting things in life, he said that he learned from his parents, his wife Elisabeth, his two sons, Jim and Robert, and his two daughters, Betsy and Margaret. I send my heartfelt condolences to Elisabeth and their children. Please know that you are in my prayers.

In his commencement speech at Campbell University this past spring, he told the graduates, ''[I]f you seek truth, if you keep faith, and have courage, life will release you from the little things and give you peace of mind and heart.'' Judge Ervin left this world released of the little things with peace of mind and peace of heart because throughout his life, he never stopped searching for truth, he kept faith in God, and he repeatedly demonstrated courage.●

TRIBUTE TO AMY ISAACS

● Mr. WELLSTONE. Mr. President, I rise in recognition of the 30th anniversary of Amy Isaacs' association with Americans for Democratic Action (ADA), the nation's oldest independent liberal advocacy organization dedicated to individual liberty and building economic and social justice at home and abroad.

Ms. Isaacs has been a driving force within the organization, shaping its agenda for three decades, working on a broad range of issues affecting domestic, foreign, economic, social and environmental policy. She began her career at ADA as an intern in 1969 and has moved up through the ranks serving ably as Director of Organization, Executive Assistant to the Director, Deputy National Director and currently, as ADA National Director. On the domestic front, she has focused the organization's attention on such pressing issues as preserving social security, fighting for full civil rights and quality health care for all, and working to pass campaign finance reform legislation.

Throughout her life Ms. Isaacs has worked tirelessly at home and abroad to raise awareness of the injustice of all forms of discrimination. She is a graduate of the American University in Washington, DC, attended classes at the University of Cologne in Germany and was a delegate to the Young Leaders Conference for the American Council on Germany. She also served as a member to a bipartisan observer delegation to the Liberal International Party Congress in Stockholm, Sweden.

Ms. Isaacs has been a true champion for social and economic justice. Pursuing these ideals comes as naturally to Amy as breathing. She is a gifted and wonderfully compassionate and committed human being and I am pleased to congratulate her on her thirty years of service to the ADA.●

THE MARRIAGE OF PATRICK JOHN MCGONIGLE AND JENNIFER BRAVO

● Mr. MOYNIHAN. Mr. President, I rise to note briefly the union of two talented and beloved people, Mr. Patrick John McGonigle and Miss Jennifer Bravo. On this Saturday past, following a nine-year courtship begun at their alma mater, Saint Louis University, the couple were wed in resplendent fashion among friends and family in New Orleans.

Mr. President, over my twenty-three years in the United States Senate, it has become increasingly acceptable to decry the loss of virtue in our young—to suggest that television, popular culture, et al., have conspired and, indeed, triumphed over American values. Anyone who knows Patrick and Jennifer and their loving families or fortunate enough to attend their beautiful ceremony would surely dispute such a view.

Mr. President, I extend my sincerest congratulations to the newlyweds and wish them the greatest luck as they embark this most cherished journey.●

TRIBUTE TO JACK WARNER

● Mr. SHELBY. Mr. President, I rise today to pay tribute to Mr. Jack Warner, the former Chairman and CEO of Gulf States Paper Corporation. I recognize him for the contributions that he and his wife, Elizabeth, have made to Tuscaloosa and the surrounding community.

A man of strong character and a wealth of old-fashioned common sense, Jack Warner has persevered and triumphed no matter what the challenge; through wars, labor strikes, and tough financial and personal circumstances. Through it all, he has remained steadfast in his beliefs and a pioneer from which others might draw inspiration. He has made tough business decisions over the years, and through it all has kept Gulf States Paper privately owned, a challenging endeavor when so many other companies have felt the pressure to go public. His gritty determination has led to financial success, which has helped him to pursue his many philanthropic interests and also allowed him to give back to the Tuscaloosa community.

It was through many obstacles and achievements that Jack Warner developed the strong character and firm convictions that are with him today. A graduate of Culver Military Academy in Culver, Indiana in 1936, he moved on to college at Washington & Lee University to pursue a degree in business administration. Following graduation, he promptly enlisted in the U.S. Army to perform what he saw as his duty to serve the country. As a commissioned officer with the Mars Task Force in the Burma theater of operations, he served the United States in exemplary fashion. Assigned in the Army's last horse-mounted unit, his calvary outfit was sent to India to pack supplies along the Burma trail. Once there, Jack Warner's unit was confronted with difficulties and obstacles which would have taken the spirit out of most men. Jack persevered, however, and his regiment ended up making a significant contribution to the War effort. This short episode in the life of Mr. Warner encapsulates his great spirit and will. He has always demonstrated persistence through adversity, and a commitment to get the job done right.

Perhaps it is this quality which has led to the astonishing success of Jack

Warner's business endeavors. During his tenure as President and Chairman of the Board of Gulf States Paper Corporation, the company experienced enormous growth. The business which has become synonymous with his name today enjoys a very healthy portfolio. This success has paved the way for many other business ventures and activities for Jack. He is the past director of the American Paper Institute, the past chairman and three-term president of the Alabama Chamber of Commerce, the past two-term president of the Greater Tuscaloosa Chamber of Commerce, a Director of the First Alabama Bank of Tuscaloosa, a past director of the Alabama Great Southern Railroad Company, a past director of the First National Bank of Tuscaloosa, just to name a few. He is truly a fixture in the Tuscaloosa business community.

Jack Warner has not taken his tremendous business success for granted. In fact, he has used his position in the community to become actively involved in the growth and development of Tuscaloosa. Through his efforts, he has made a tremendous impact on Tuscaloosa and the surrounding area. His numerous civic activities attest to his unyielding commitment towards improving the community in which he lives. A few of his current civic activities include membership in the Mount Vernon Advisory Committee, the Decorative Arts Trust Board of Governors, active Director of the University Club of Tuscaloosa, Commodore of the North River Yacht Club, as well as Elder in the First Presbyterian Church of Tuscaloosa. His former activities include a term as the Chairman of the Alabama Council on Economic Education, President of the YMCA of Metropolitan Tuscaloosa, President of the Druid City Hospital Foundation, as well as a member of the National Board of the Smithsonian Institution in Washington, D.C. He has received numerous honors and awards for his efforts, including the Distinguished Achievement Award from the President's Cabinet at the University of Alabama, the Frances G. Summersell Award from the University of Alabama, the Lifetime Achievement Award from the Alabama State Council on the Arts, the Lifetime Achievement Award from the Greater Tuscaloosa Chamber of Commerce, the Lifetime Preservation Achievement Award from the Tuscaloosa County Preservation Society, and induction into the Alabama Business Hall of Fame.

Jack Warner has truly been an integral part in all aspects of the Tuscaloosa community. It is with great pleasure that I recognize his efforts and rise in tribute to all that he has done for Tuscaloosa and the state of Alabama. His commitment and sense of civic duty is greatly appreciated.●

A TRIBUTE TO LENNY ZAKIM

● Mr. KERRY. Mr. President, I rise today to pay tribute to one of the most inspirational and unifying individuals I have had the privilege of knowing and working with. Today, in Boston, people from all over Massachusetts are gathering to recognize and celebrate Lenny Zakim, Executive Director of the New England Regional Office of the Anti-Defamation League, and I rise today to join them in honoring this important friend. This evening's ceremony, though, has a purpose far deeper and broader than his notable leadership at the ADL. Tonight is a reflection of the love that has flowed from this man to the people of Boston, and now, it's flowing back to him as he confronts his own personal challenges.

For over 20 years, Lenny Zakim has courageously traveled the world, bringing a message of tolerance and respect. Through hundreds of meetings, conferences and visits to the countless places of worship, Lenny has turned racial and cultural divides into bonds amongst people and built bridges between communities. Mr. President, one of this country's greatest inspirational figures, Helen Keller, said in 1890, ''We could never learn to be brave and patient if there was only joy in the world,'' and I believe that this quote captures the values and goals that have guided Lenny Zakim's life. What Helen Keller was saying is that our true nature only surfaces when we are confronted with adversity, and, time and time again, Lenny has turned ignorance into enlightenment, crisis into opportunity, and hostility into support.

Groundbreaking collaborations with the Ten Point Coalition and Cardinal Bernard Law illuminate the often-overlooked common ground that we quietly cherish but celebrate together far too infrequently. His public meditations on subjects such as the Middle East, relationships between African Americans and Jews, and Judeo-Christian values in a modern world elevate our public dialogue and focus our attention on some of the most compelling issues of the day. On issues global he has worked with Hosni Mubarak, Menachem Begin, Yitzak Shamir, and Shimon Peres. I am fortunate to share his vision of a Middle East with a sustainable peace, a vision that he sculpted and shared with my predecessor, Paul Tsongas.

Beyond the global dimension of his work, perhaps his most expansive and wisest endeavors have been those with children and young adults. He is one of the founders of A World of Difference, an anti-bias education project that has had over 350,000 teachers participate in lessons that bring the lessons of tolerance and cooperation to classrooms for thousands of children every day. He also started Team Harmony, the nation's largest annual, interracial gathering of youth. Every year, thousands of young adults from Greater Boston come together and pledge to bigotry and celebrate their support of diversity and inclusion. These two programs will allow Lenny's vision of a peaceful and respectful world to reach far beyond those that he meets directly. I have witnessed firsthand how A World of Difference and Team Harmony will help build a better world for all our citizens.

Tonight's event will bring together Lenny's hundreds of friends and supporters to raise funds for the completion of the Zakim Center for Integrated Therapies at the Dana Farber Cancer Institute. Collectively, we thank Lenny for all of his work, and most importantly for what he has brought out in all of us and our communities.●

INSTALLATION OF WILLIAM M. HOUSTON AS PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS OF AMERICA

● Mr. ALLARD. Mr. President, I rise today to commend a fellow Coloradan, William M. Houston of Denver, who will be installed as President of the nation's largest insurance association—the Independent Insurance Agents of America (IIAA)—later this month in Las Vegas. Bill is branch manager of Riedman Insurance Corporation, an independent insurance agency located in Denver.

Bill began his volunteer service within the insurance industry at the local and state levels. He served on numerous committees of both the Independent Insurance Agents of Denver and the Independent Insurance Agents of Colorado, including serving as president of both organizations. In 1976, Bill was awarded the Local Board President of the Year Award and in 1987 was honored as Colorado Insuror of the year. Bill was elected to IIAA's Executive committee in October 1994 and was honored by his peers when they named him President-Elect of the Association last fall.

While on this Association leadership panel; he was worked to strengthen the competitive standing of independent insurance agents by helping to provide the tools they need to run more successful businesses. Over the years, Mr. Houston has been active on several IIAA committees, and has represented the state of Colorado as its representative to IIAA's National Board of State Directors for six years.

Aside from his professional volunteer work, Bill also has distinguished himself as an active and concerned member of his community. He is past president of both the Gyro Club and the University Club of Denver, and Trustee (Director) of the National Sports Center for the Disabled in Winter Park, Colorado.

Currently, Bill serves on the Board of Directors for the Denver Rotary Club and as an elder in the Wellshire Presbyterian Church. Bill also proudly served his country in the U.S. Marine Corps, initially as a first lieutenant on active duty and as a captain in the Marine Corps Reserves.

I am proud of my fellow Coloradan's accomplishments and bid him a successful year as president of the Independent Insurance Agents of America.

As his past accomplishments show, Bill will serve his fellow agents with distinction and strong leadership as he leads IIAA into the new millennium. I wish him and his lovely wife, Jane, all the best as IIAA President and First Lady.●

25TH ANNIVERSARY OF WOMEN'S ADVOCATES

● Mr. WELLSTONE. I speak today in recognition of the 25th anniversary of Women's Advocates, Inc., our Nation's first battered women's shelter, located in St. Paul, MN.

It is with gratitude and with pride that I recognize the unyielding dedication of the staff, the volunteers and the supporters of Women's Advocates. It was in 1974 that the doors of this shelter first opened to women and their children seeking respite from domestic violence. At a time when it took great courage and strength, women stood together to say that violence in our homes must end. Today, having provided advocacy, shelter and support services to over 25,000 women and children, and having spent countless hours teaching our school children and community members about the impact of domestic violence, Women's Advocates stands as a pillar of grace and triumph in the great state of Minnesota.

So today we hail Executive Director, Lisbet Wolf, and the courageous women at Women's Advocates, who 25 years ago, gave women and children's safety a permanent place in our nation's history.●

NATIONAL POW/MIA RECOGNITION DAY

● Mr. LUGAR. Mr. President, Friday, September 17th was National POW/MIA Recognition Day. On this day, we remember, give tribute to, and stand in solidarity with the loved ones and families of the thousands of Soldiers, Sailors, Marines and Airmen who became Prisoners of War and Missing in Action.

These Americans swore an oath to support and defend the Constitution and carried that promise through to great sacrifice for their nation. While thousands died, many others endured years in starved, tortured, isolated misery before regaining their freedom. Their perseverance, integrity and heroism are shining examples of the core values on which this nation was founded and became great.

As a former Navy officer, I feel strongly that the United States Government must fulfill its commitments to the men and women who serve in the Armed Forces. One of these commitments is ensuring the return of POWs and MIAs at the end of hostilities. The vigorous pursuit of this commitment must continue through on-site investigations being undertaken in Indochina and through a fuller examination of records in the United States, Russia, and Southeast Asia.

Through much diligence and hard work, and gradually improving relations with various nations since 1973, 529 American servicemen, formerly listed as unaccounted-for, have been recovered, identified and returned to their families. However, 2054 Americans remain unaccounted-for from the war in Southeast Asia, with 1,530 in Vietnam. We have focused, and rightly so, many of our efforts on Southeast Asia, but we must also honor those who were held prisoner and who are missing in action in other remote parts of the globe. More than 80,000 Americans remain missing and unaccounted for from World War I, World War II and the Korean conflict, and countless others from the Cold War.

Since the end of the Cold War, I have visited Russia and other states of the former Soviet Union on several occasions. During meetings with high level Russian government personnel and members of the Russian military. I have made it clear that Russian cooperation in these areas is a necessity.

I am hopeful that American efforts will lead to information and/or evidence of the fates of U.S. servicemen still missing from conflicts during the Cold War. I likewise encourage my colleagues who interact with officials of Laos, Cambodia, Korea, Vietnam and others to press for the same commitment from those officials.

Headway is being made, but there is still a long way to go before we have the fullest possible accounting of all POW/MIA personnel. Our great and free Nation owes eternal gratitude to all POW/MIAs and their families for their supreme sacrifice, but we in the Senate shall not rest until all are accounted for. I urge you the administration, the Departments of Defense and State, the Joint Chiefs of Staff and the National Security Agency to redouble our efforts.●

BOYS OF SUMMER

● Mr. TORRICELLI. Mr. President, I rise today in recognition of the achievements of the Toms River East Little League baseball team, who overcame great odds to return their team to the National Little League final for the second year in a row.

The Toms River squad, known as the ''Beast of the East'', were Little League world champions in 1998. This year, they sought to be only the second American team ever in the fifty-three year history of the Little League World Series to repeat as world champions. Unlike professional sports, where champions often repeat using much the same lineup from one year to the next, Toms River attempted to repeat as champions using almost an entirely new roster, with ten of the twelve players new to the team for the 1999 season. Although they fell one game short of returning to the Little League World Series, the fact that Toms River advanced to the national final in 1999 is an impressive accomplishment in its own right.

In the aftermath of their exciting run last year, I had the opportunity to meet many of the players and parents involved with the team. I was impressed not only by the skill, poise, and manners with which the team conducted itself on and off the field, but also by the way that the entire community of Toms River rallied around the team. The true character of the squad was demonstrated this year, when even in defeat, they displayed the good sportsmanship and class that is a hallmark of the Toms River community.

Truly, these ''boys of summer'' have given us another August to remember with their fine play and tremendous love of the game. I am proud to recognize the accomplishments and contributions of Steve Bernath, Jeff Burgdorff, Eric Campesi, Dave Cappello, Mike Casale, Bobby Cummings, Chris Cunningham, Zach Del Vento, Derrick Egan, Chris Fontenelli, Casey Gaynor, and RJ Jones and I know they will continue to make New Jersey proud for years to come.●

TRIBUTE TO SHERMAN HENDERSON

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a fine businessman, family man and all-around great Kentuckian, Sherman Henderson.

Sherm is a man who exudes the kind of enthusiasm and spunk everybody wants to possess. He has a genuine zest for life. Sherm's energy has helped him found and run one of the countries top 20 fastest-growing private companies, UniDial Communications, Inc. Sherm founded UniDial just six years ago with six employees and, in that short time, has turned UniDial into a 600-employee operation and an unbelievable success story.

Some of the most successful businessmen become great because they see an untapped market and make it theirs—and that is what Sherm has done with the communications industry in UniDial. Intuitively picking up on emerging opportunities in the communications field after the telephone industry was deregulated, Sherm dove into the business head first. He started by investing in other telecommunications companies, and then founded the now-booming UniDial in 1993.

As well as being a great businessman, Sherm has always been a good friend and family man. He boasts a terrific wife, two wonderful children, and two (soon-to-be-three) much-doted-upon grandchildren. Sherm, on behalf of my colleagues and myself, I express my heartfelt admiration for your accomplishments, congratulate you on your success, and wish you the best in your future endeavors. Thank you for creating hundreds of jobs for your fellow Kentuckians, and for making such a significant contribution to our state's economies and communities.

Mr. President, I ask that a copy of an article that ran in the Louisville

Voice-Tribune on August 25, 1999, be printed in the RECORD following my remarks.

The article follows.

MAKING A BIG SPLASH

(By Susan McDonald)

Sherman Henderson says a lot of people have trouble understanding what he does for a living, but he must do it pretty well.

UniDial Communications Inc., the company he founded with half a dozen employees only six years ago, is now among the 20 fastest-growing private companies in the country, according to Inc. magazine. That's not bad for a company Henderson conceived over breakfast one August morning at a local Denny's restaurant.

UniDial is now poised for still more growth. The company, which built its business primarily as a reseller of long-distance telephone service and other communications products, is expanding to meet the growing demand for technology, Henderson said. UniDial recently announced plans to build its own nationwide telecommunications network, called xios, to offer integrated data, voice, Internet and other telecom services. Its new 75,000-square-foot building at Eastpoint Business Center will soon be followed by more new facilities.

But although UniDial has become a familiar name, its business remains a mystery to many, Henderson said.

''It's hard for people to understand what we do,'' he said. ''We're a communications company. We communicate, and we have all kinds of vehicles to do it with, whether it's a fax machine, a voice over a hard line, data transmission, videoconferencing, conference calls, or whatever.''

EMBRACING TECHNOLOGY

Henderson and Unidial have capitalized on people's hunger for more communication and information, he said. Although Americans are inundated with mail, voice messages, and e-mail, they want more, said Henderson who can quote a wealth of facts, figures and statistics about the fast pace of technology and the factors that drive it.

Still, Henderson, who is in his 50s, said it's difficult for members of his generation to keep up with the quick pace of technological advancements.

''My generation has two problems,'' he said. ''We're not educated in the field of technology because we didn't grow up with it. The second strike against our generation is our habits. We don't embrace technology because we all have gray hair. To keep up is tremendously tough, even for me, and I'm in the business.''

Henderson does keep up, though, making extensive use of the Internet to conduct business, make travel arrangements, shop and more.

''I do a lot of fun things, like seeing where the Rolling Stones are playing next, or where is Elton John playing, or get information about golf courses,'' he said.

FROM DIAPERS TO HIGH TECH

Henderson's experience in the telecommunications industry isn't much older than UniDial itself. Before starting the company, his varied business experience included real estate development, sales and marketing, and a stint at Proctor & Gamble, where he ''was the original Pampers guy,'' he said.

''I was one of the three guys on the team that actually developed the product back in the 1960s,'' Henderson said. ''Actually, we didn't create a product. We created an industry because there was no disposal diaper at that time.''

Henderson began to see the opportunities that emerged after deregulation of the telephone industry, and he owned other telecom companies before starting UniDial in 1993. He has since become a national leader in the industry and is currently chairman of the Telecommunications Resellers Association, a 700-member trade organization for businesses reselling long distance and other services.

Although UniDial is continuing to grow in national prominence, Henderson, a native of Louisville, said he is most proud that the company is a home-grown product.

''The neat thing about this company is that it was founded here and it was built here,'' he said. ''It was built by Louisville employees, and it's turned into a nationwide deal.''

And although the company could operate from anywhere , its headquarters will stay in Louisville, he said.

''The opportunity we have as a company is to lead Kentucky and this part of the country into a development stage for all these young kids who are coming out of school,'' said Henderson. ''We want them to stay here and help us build what is going to be the future, and the future is in technology and media.''

ENERGY TO SPARE

Henderson's energy seems boundless, manifesting itself in foot-tapping and leg-waggling when he is forced to sit down. During a recent meeting with a group of local business leaders, ''They were astounded by my energy,'' Henderson said. ''They said, 'You know, Sherm, you're not a young puppy anymore,' and it's true, but energy comes from your environment and from the environment that you allow in your mind.''

Henderson finds outlets for that energy in golf, spending time with his wife, two children and two grandchildren (with another on the way), and promoting his beloved Florida State University Seminoles. Since attending the school on a swimming scholarship, Henderson has remained active in alumni activities, including a recently completed stint as chairman of the Florida State Seminole Boosters. Football coach Bobby Bowden is a golf partner and someone from whom Henderson said he has learned a great deal.

''He's a winner, and you learn from winners,'' Henderson said. ''If you keep pushing for whatever your objective is, if you get 80 to 85 percent of that, you win.''

Judging from UniDial's dramatic success, Henderson has learned some secrets of winning. He gets to know the company's nearly 600 employees at monthly small-group lunches, gives managers plenty of autonomy, and tells colleagues not to be afraid to make mistakes and ''use both ends of the pencil,'' he said. He has also developed a simple personal philosophy to help him keep things in perspective.

''I wake up every day and say this to myself: God first, family second, and the rest will happen.''●

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

On September 16, 1999, the Senate amended and passed H.R. 2084, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2084) entitled ''An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,900,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $600,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $9,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

For necessary expenses of the Office of the Assistant Secretary for Policy, $2,900,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,700,000: Provided, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,250,000 in funds received in user fees.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $6,870,000, including not to exceed $45,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $18,600,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,800,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $1,110,000.

BOARD OF CONTRACT APPEALS

For necessary expenses of the Board of Contract Appeals, $560,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $1,222,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $5,100,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $7,200,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $3,300,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed

$169,953,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That the preceding limitation shall not apply to activities associated with departmental Year 2000 conversion activities: Provided further, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: 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 gross obligations for the principal amount of direct loans not to exceed $13,775,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,900,000, of which $2,635,000 shall remain available until September 30, 2001: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,772,000,000, of which $534,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: Provided further, That up to $615,000 in user fees collected pursuant to section 1111 of Public Law 104–324 shall be credited to this appropriation as offsetting collections in fiscal year 2000: Provided further, That the Secretary may transfer funds to this account, from Federal Aviation Administration ''Operations'', not to exceed $60,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, for the purpose of providing additional funds for drug interdiction activities and/or the Office of Intelligence and Security activities: Provided further, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of enactment of this Act: Provided further, That the United States Coast Guard will reimburse the Department of Transportation Inspector General $5,000,000 for costs associated with audits and investigations of all Coast Guard-related issues and systems: Provided further, That the Secretary of Transportation shall use any surplus funds that are made available to the Secretary, to the maximum extent practicable, to provide for the operation and maintenance of the Coast Guard.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $370,426,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $123,560,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2004; $33,210,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2002; $52,726,000 shall be available for other equipment, to remain available until September 30, 2002; $63,800,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2002; $52,930,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2001; and $44,200,000 shall be deposited in the Deepwater Replacement Project Revolving Fund to remain available until expended: Provided, That funds received from the sale of HU–25 aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity: Provided further, That the Commandant of the Coast Guard is authorized to and may dispose of by sale at fair market value all rights, title, and interests of any United States entity on behalf of the Coast Guard in and to the land of, and improvements to, South Haven, Michigan; ESMT Manasquan, New Jersey; Petaluma, California; ESMT Portsmouth, New Hampshire; Station Clair Flats, Michigan; and, Aids to navigation team Huron, Ohio: Provided further, That there is established in the Treasury of the United States a special account to be known as the Deepwater Replacement Project Revolving Fund and proceeds from the sale of said specified properties and improvements shall be deposited in that account, from which the proceeds shall be available until expended for the purposes of replacing or modernizing Coast Guard ships, aircraft, and other capital assets necessary to conduct its deepwater statutory responsibilities: Provided further, That, if balances in the Deepwater Replacement Project Revolving Fund permit, the Commandant of the Coast Guard is authorized to obligate up to $60,000,000.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $12,450,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $14,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $730,327,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $72,000,000: Provided, That no more than $20,000,000 of funds made available under this heading may be transferred to Coast Guard ''Operating expenses'' or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: Provided further, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $17,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $5,857,450,000 from the Airport and Airway Trust Fund: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of enactment of this Act: Provided further, That the Secretary may transfer funds to this account, from Coast Guard ''Operating expenses'', not to exceed $60,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, solely for the purpose of providing additional funds for air traffic control operations and maintenance to enhance aviation safety and security, and/or the Office of Intelligence and Security activities: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, $5,000,000 shall be for the contract tower cost-sharing program: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization

to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than five years in length or greater than $100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: Provided further, That the Federal Aviation Administration will reimburse the Department of Transportation Inspector General $19,000,000 for costs associated with audits and investigations of all aviation-related issues and systems: Provided further, That notwithstanding any other provision of law, the FAA Administrator may contract out the entire function of Oceanic flight services.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,045,652,000, of which $1,721,086,000 shall remain available until September 30, 2002, and of which $274,566,000 shall remain available until September 30, 2000: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSIONS)

Of the amounts provided under this heading in Public Law 104–205, $17,500,000 are rescinded: Provided, That of the amounts provided under this heading in Public Law 105–66, $282,000,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $150,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2002: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations, and for administration of such programs, $1,750,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $2,000,000,000 in fiscal year 2000, notwithstanding section 47117(h) of title 49, United States Code: Provided further, That discretionary grant funds available for noise planning and mitigation shall not exceed $60,000,000: Provided further, That, notwithstanding any other provision of law, not more than $47,891,000 of the funds limited under this heading shall be obligated for administration.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

The obligation limitation under this heading in Public Law 105–277 is hereby reduced by $290,000,000.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

None of the funds in this Act shall be available for activities under this heading during fiscal year 2000.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed $370,000,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided further, That $55,418,000 shall be available to carry out the functions and operations of the office of motor carriers: Provided further, That $14,500,000 of the funds available under section 104(a) of title 23, United States Code, shall be made available and transferred to the National Highway Traffic Safety Administration operations and research to carry out the provisions of chapter 301 of title 49, United States Code, part C of subtitle VI of title 49, United States Code, and section 405(b) of title 23, United States Code: Provided further, That of the $14,500,000 made available for traffic and highway safety programs, $8,300,000 shall be made available to carry out the provisions of chapter 301 of title 49, United States Code and $6,200,000 shall be made available to carry out the provisions of part C of subtitle VI of title 49, United States Code: Provided further, That $7,500,000, of the funds available under section 104(a) of title 23, United States Code, shall be made available and transferred to the National Highway Traffic Safety Administration, Highway Traffic Safety Grants, for ''Child Passenger Protection Education Grants'' under section 405(b) of title 23, United States Code: Provided further, That $6,000,000 of the funds made available under section 104(a) of title 23, United States Code, shall be made available to carry out section 5113 of Public Law 105–178: Provided further, That, the Federal Highway Administration will reimburse the Department of Transportation Inspector General $9,000,000 from funds available within this limitation on obligations for costs associated with audits and investigations of all highway-related issues and systems.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $27,701,350,000 for Federal-aid highways and highway safety construction programs for fiscal year 2000: Provided, That within the $27,701,350,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $391,450,000 shall be available for the implementation or execution of programs for transportation research (Sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2000; not more than $20,000,000 shall be available for the implementation or execution of programs for the Magnetic Levitation Transportation Technology Deployment Program (Section 1218 of Public Law 105–178) for fiscal year 2000, of which not to exceed $500,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance in connection with such program; not more than $31,000,000 shall be available for the implementation or execution of programs for the Bureau of Transportation Statistics (Section 111 of title 49, United States Code) for fiscal year 2000: Provided further, That of the funds made available in fiscal year 2000 to carry out section 144(g)(1) of title 23, United States Code, $10,000,000 shall be made available to carry out section 1224 of Public Law 105–178: Provided further, That within the $211,200,000 obligation limitation on Intelligent Transportation Systems, $5,000,000 shall be made available to carry out the Nationwide Differential Global Positioning System program, and the following sums shall be made available for Intelligent Transportation system projects in the following specified areas:

ITS deployment projects	*Committee recommendation*
Southeast Michigan	*$4,000,000*
Salt Lake City, UT	*6,500,000*
Branson, MO	*1,500,000*
St. Louis, MO	*2,000,000*
Shreveport, LA	*2,000,000*
State of Montana	*3,500,000*
State of Colorado	*4,000,000*
Arapahoe County, CO	*2,000,000*
Grand Forks, ND	*500,000*
State of Idaho	*2,000,000*
Columbus, OH	*2,000,000*
Inglewood, CA	*2,000,000*
Fargo, ND	*2,000,000*
Albuquerque/State of New Mexico interstate projects	*2,000,000*
Dothan/Port Saint Joe	*2,000,000*
Santa Teresa, NM	*1,500,000*
State of Illinois	*4,800,000*
Charlotte, NC	*2,500,000*
Nashville, TN	*2,000,000*
Tacoma Puyallup, WA	*500,000*
Spokane, WA	*1,000,000*
Puget Sound, WA	*2,200,000*
State of Washington	*4,000,000*
State of Texas	*6,000,000*
Corpus Christi, TX	*2,000,000*
State of Nebraska	*1,500,000*
State of Wisconsin rural systems	*1,000,000*
State of Wisconsin	*2,400,000*
State of Alaska	*3,700,000*
Cargo Mate, Northern NJ	*2,000,000*
Statewide Transcom/Transmit upgrades, NJ	*6,000,000*
State of Vermont rural systems	*2,000,000*

ITS deployment projects	Committee recommendation
State of Maryland	4,500,000
Washoe County, NV	2,000,000
State of Delaware	2,000,000
Reno/Tahoe, CA/NV	1,000,000
Towamencin, PA	1,100,000
State of Alabama	1,300,000
Huntsville, AL	3,000,000
Silicon Valley, CA	2,000,000
Greater Yellowstone, MT	2,000,000
Pennslyvania Turnpike, PA	7,000,000
Portland, OR	1,500,000
Delaware River, PA	1,500,000
Kansas City, MO	1,000,000:

Provided further, That, notwithstanding Public Law 105–178 as amended, or any other provision of law, funds authorized under section 110 of title 23, United States Code, for fiscal year 2000 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2000. Of these funds to be apportioned under section 110 for fiscal year 2000, the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway System program, the bridge program, the surface transportation program, and the congestion mitigation and air quality improvement program in the same ratio that each State is apportioned funds for such programs in fiscal year 2000 but for this section: Provided, That, notwithstanding any other provision of law, the Secretary shall, at the request of the State of Nevada, transfer up to $10,000,000 of Minimum Guarantee apportionments, and an equal amount of obligation authority, to the State of California for use on High Priority Project No. 829 ''Widen I–15 in San Bernardino County'', section 1602 of Public Law 105–178.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, U.S.C., that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $26,300,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For necessary expenses to carry out 49 U.S.C. 31102, $50,000,000 to be derived from the Highway Trust Fund and to remain available until expended: Provided, That no more than $155,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding any other provision of law, $105,000,000 is for payment of obligations incurred in carrying out 49 U.S.C. 31102 to be derived from the Highway Trust Fund and to remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary, to be derived from the Highway Trust Fund, $72,900,000 for traffic and highway safety under chapter 301 of title 49, United States Code, of which $48,843,000 shall remain available until September 30, 2001: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding Public Law 105–178 or any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000 to be derived from the Highway Trust Fund, and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, $206,800,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000, are in excess of $206,800,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which $152,800,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402, $10,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405, $36,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Grants'' under 23 U.S.C. 410, $8,000,000 shall be for the ''State Highway Safety Data Grants'' under 23 U.S.C. 411: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $7,500,000 of the funds made available for section 402, not to exceed $500,000 of the funds made available for section 405, not to exceed $1,750,000 of the funds made available for section 410, and not to exceed $223,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under Chapter 4 of title 23, U.S.C.: Provided further, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $91,789,000, of which $6,700,000 shall remain available until expended: Provided, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: Provided further, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation: Provided further, That the Federal Railroad Administration will reimburse the Department of Transportation Inspector General $1,000,000 for costs associated with audits and investigations of all rail-related issues and systems: Provided further, That the Administrator of the Federal Railroad Administration is authorized to transfer funds appropriated for any office under this heading to any other office funded under this heading: Provided further, That no appropriation shall be increased or decreased by more than 10 percent by such transfers unless it is approved by both the House and Senate Committees on Appropriations.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $22,364,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2000.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 United States Code sections 26101 and 26102, $20,500,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $14,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $10,000,000 to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by U.S.C. 24104(a), $571,000,000, to remain available until expended.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $12,000,000, to remain available until expended: Provided, That no more than $60,000,000 of budget authority shall be available for these purposes: Provided further, That the Federal Transit Administration will reimburse the Department of Transportation Inspector General $9,000,000 for costs associated with audits and investigations of all transit-related issues and systems.

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of

Public Law 105–178, $619,600,000, to remain available until expended: Provided, That no more than $3,098,000,000 of budget authority shall be available for these purposes.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: Provided, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $21,000,000, to remain available until expended: Provided, That no more than $107,000,000 of budget authority shall be available for these purposes: Provided further, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)); $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)); $49,632,000 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); $10,368,000 is available for state planning (49 U.S.C. 5313(b)); and $29,500,000 is available for the national planning and research program (49 U.S.C. 5314): Provided further, That of the total budget authority made available for the national planning and research program, the Federal Transit Administration shall provide the following amounts for the projects and activities listed below:

Zinc-air battery bus technology demonstration, $1,500,000;

Electric vehicle information sharing and technology transfer program, $1,000,000;

Portland, ME independent transportation network, $500,000;

Wheeling, WV mobility study, $250,000;

Utah advanced traffic management system, transit component, $3,000,000;

Project ACTION, $3,000,000;

Trans-Hudson tunnel feasibility study, $5,000,000;

Washoe County, NV transit technology, $1,250,000;

Massachusetts Bay Transit Authority advanced electric transit buses and related infrastructure, $1,500,000;

Palm Springs, CA fuel cell buses, $1,500,000;

Gloucester, MA intermodal technology center, $1,500,000;

Southeastern Pennsylvania Transit Authority advanced propulsion control system, $3,000,000; and

Advanced transit systems and electric vehicle program (CALSTART), $1,000,000.

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $4,638,000,000, to remain available until expended of which $4,638,000,000 shall be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $2,478,400,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That $86,000,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That $48,000,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That $60,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That $1,960,800,000 shall be paid to the Federal Transit Administration's Capital Investment Grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $490,200,000, to remain available until expended: Provided, That no more than $2,451,000,000 of budget authority shall be available for these purposes: Provided further, That there shall be available for fixed guideway modernization, $980,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $490,200,000; and there shall be available for new fixed guideway systems $980,400,000: Provided further, That, within the total funds provided for buses and bus-related facilities to carry out 49 U.S.C. section 5309, the following projects shall be considered eligible for these funds: Provided further, That the Administrator of the Federal Transit Administration shall, not later than 60 days after the enactment of this Act, individually submit to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective projects, from the following projects here listed:

2001 Special Olympics Winter Games buses and facilities, Anchorage, Alaska

Adrian buses and bus facilities, Michigan

Alabama statewide rural bus needs, Alabama

Alameda-Contra Costa Transit District Project, California

Albany train station/intermodal facility, New York

Albuquerque SOLAR computerized transit management system, New Mexico

Albuquerque Westside transit maintenance facility, New Mexico

Albuquerque, buses, paratransit vehicles, and bus facility, New Mexico

Alexandria Union Station transit center, Virginia

Alexandria, bus maintenance facility and Crystal City canopy project, Virginia

Allegheny County buses, Pennsylvania

Altoona bus testing facility, Pennsylvania

Altoona, Metro Transit Authority buses and transit system improvements, Pennsylvania

Ames transit facility expansion, Iowa

Anchorage Ship Creek intermodal facility, Alaska

Arkansas Highway and Transit Department buses, Arkansas

Arkansas state safety and preventative maintenance facility, Arkansas

Armstrong County-Mid-County, PA bus facilities and buses, Pennsylvania

Atlanta, MARTA buses, Georgia

Attleboro intermodal transit facility, Massachusetts

Austin buses, Texas

Babylon Intermodal Center, New York

Baldwin Rural Area Transportation System buses, Alabama

Ballston Metro access improvements, Virginia

Bay/Saginaw buses and bus facilities, Michigan

Beaumont Municipal Transit System buses and bus facilities, Texas

Beaver County bus facility, Pennsylvania

Ben Franklin transit buses and bus facilities, Richland, Washington

Billings buses and bus facilities, Montana

Birmingham intermodal facility, Alabama

Birmingham-Jefferson County buses, Alabama

Blue Water buses and bus facilities, Michigan

Boston Government Center transit center, Massachusetts

Boston Logan Airport intermodal transit connector, Massachusetts

Boulder/Denver, RTD buses, Colorado

Brazos Transit Authority buses and bus facilities, Texas

Brea shuttle buses, California

Bremerton multimodal center—Sinclair's Landing, Washington

Brigham City and Payson regional park and ride lots/transit centers, Utah

Brockton intermodal transportation center, Massachusetts

Buffalo, Auditorium Intermodal Center, New York

Burlington ferry terminal improvements, Vermont

Burlington multimodal center, Vermont

Cambria County, bus facilities and buses, Pennsylvania

Cedar Rapids intermodal facility, Iowa

Central Ohio Transit Authority vehicle locator system, Ohio

Centre Area Transportation Authority buses, Pennsylvania

Chattanooga Southern Regional Alternative fuel bus program, Georgia

Chester County, Paoli Transportation Center, Pennsylvania

Chittenden County Transportation Authority buses, Vermont

Clallam Transit multimodal center, Sequim, Washington

Clark County Regional Transportation Commission buses and bus facilities, Nevada

Cleveland, Triskett Garage bus maintenance facility, Ohio

Clinton transit facility expansion, Iowa

Colorado buses and bus facilities, Colorado

Columbia Bus replacement, South Carolina

Columbia buses and vans, Missouri

Compton Renaissance Transit System shelters and facilities, California

Corpus Christi Regional Transportation Authority buses and bus facilities, Texas

Corvallis buses and automated passenger information system, Oregon

Culver City, CityBus buses, California

Dallas Area Rapid Transit buses, Texas

Davis, Unitrans transit maintenance facility, California

Dayton, Multimodal Transportation Center, Ohio

Daytona Beach, Intermodal Center, Florida

Deerfield Valley Transit Authority buses, Vermont

Denver 16th Street Intermodal Center

Denver, Stapleton Intermodal Center, Colorado

Des Moines transit facilities, Iowa

Detroit buses and bus facilities, Michigan

Dothan Wiregrass Transit Authority vehicles and transit facility, Alabama

Dulles Corridor park and ride, Virginia

Duluth, Transit Authority community circulation vehicles, Minnesota

Duluth, Transit Authority intelligent transportation systems, Minnesota

Duluth, Transit Authority Transit Hub, Minnesota

Dutchess County, Loop System buses, New York

El Paso Sun Metro buses, Texas

Elliott Bay Water Taxi ferry purchase, Washington

Erie, Metropolitan Transit Authority buses, Pennsylvania

Escambia County buses and bus facility, Alabama

Essex Junction multimodal station rehabilitation, Vermont

Everett transit bus replacement, Washington

Everett, Multimodal Transportation Center, Washington

Fairbanks intermodal rail/bus transfer facility, Alaska

Fairfield Transit, Solano County buses, California

Fayette County, intermodal facilities and buses, Pennsylvania

Fayetteville, University of Arkansas Transit System buses, Arkansas

Flint buses and bus facilities, Michigan

Florence, University of North Alabama pedestrian walkways, Alabama

Folsom multimodal facility, California

Fort Dodge, Intermodal Facility (Phase II), Iowa

Fort Worth bus and paratransit vehicle project, Texas

Fort Worth Transit Authority Corridor Redevelopment Program, Texas
Franklin County buses and bus facilities, Missouri
Fuel cell bus and bus facilities program, Georgetown University, District/Columbia
Gainesville buses and equipment, Florida
Galveston buses and bus facilities, Texas
Gary, Transit Consortium buses, Indiana
Gees Bend Ferry facilities, Wilcox County, Alabama
Georgia Regional Transportation Authority buses, Georgia
Georgia Regional Transportation Authority, Southern Crescent Transit bus service between Clayton County and MARTA rail stations, Georgia
Georgia statewide buses and bus-related facilities, Georgia
Gloucester intermodal transportation center, Massachusetts
Grand Rapids Area Transit Authority downtown transit transfer center, Michigan
Greensboro multimodal center, North Carolina
Greensboro, Transit Authority buses, North Carolina
Harrison County multimodal center, Mississippi
Hawaii buses and bus facilities
Healdsburg, intermodal facility, California
Hillsborough Area Regional Transity Authority, Ybor buses and bus facilities, Florida
Honolulu, bus facility and buses, Hawaii
Hot Springs, transportation depot and plaza, Arkansas
Houston buses and bus facilities, Texas
Huntington Beach buses and bus facilities, California
Huntington intermodal facility, West Virginia
Huntsville Airport international intermodal center, Alabama
Huntsville Space and Rocket Center intermodal center, Alabama
Huntsville, transit facility, Alabama
Hyannis intermodal transportation center, Massachusetts
I–5 Corridor intermodal transit centers, California
Illinois statewide buses and bus-related equipment, Illinois
Indianapolis buses, Indiana
Inglewood Market Street bus facility/LAX shuttle service, California
Iowa City multi-use parking facility and transit hub, Iowa
Iowa statewide buses and bus facilities, Iowa
Iowa/Illinois Transit Consortium bus safety and security, Iowa
Isabella buses and bus facilities, Michigan
Ithaca intermodal transportation center, New York
Ithaca, TCAT bus technology improvements, New York
Jackson County buses and bus facilities, Missouri
Jackson J-TRAN buses and facilities, Mississippi
Jacksonville buses and bus facilities, Florida
Jasper buses, Alabama
Juneau downtown mass transit facility, Alaska
Kalamazoo downtown bus transfer center, Michigan
Kansas City Area Transit Authority buses and Troost transit center, Missouri
Kansas Public Transit Association buses and bus facilities, Kansas
Killington-Sherburne satellite bus facility, Vermont
King Country Metro King Street Station, Washington
King County Metro Atlantic and Central buses, Washington
King County park and ride expansion, Washington
Lackawanna County Transit System buses, Pennsylvania
Lake Tahoe CNG buses, Nevada
Lake Tahoe/Tahoe Basin buses and bus facilities, California
Lakeland, Citrus Connection transit vehicles and related equipment, Florida
Lane County, Bus Rapid Transit buses and facilities, Oregon
Lansing, CATA buses, Michigan
Las Cruces buses and bus facilities, New Mexico
Las Cruces intermodal transportation plaza, New Mexico
Las Vegas intermodal transit transfer facility, Nevada
Las Vegas South Strip intermodal facility, Nevada
Lincoln County Transit District buses, Oregon
Lincoln Star Tran bus facility, Nebraska
Little Rock River Market and College Station transfer facility, Arkansas
Little Rock, Central Arkansas Transit buses, Arkansas
Livermore Amador Valley Transit Authority buses, California
Livermore automatic vehicle locator program, California
Long Island, CNG transit vehicles and facilities and bus replacement, New York
Los Angeles/City of El Segundo Douglas Street Green Line connection, California
Los Angeles County Metropolitan transportation authority buses, California
Los Angeles Foothill Transit buses and bus facilities, California
Los Angeles Municipal Transit Operators Coalition, California
Los Angeles, Union Station Gateway Intermodal Transit Center, California
Louisiana statewide buses and bus-related facilities, Louisiana
Lowell performing arts center transit transfer facility, Massachusetts
Lufkin intermodal center, Texas
Maryland statewide alternative fuel buses, Maryland
Maryland statewide bus facilities and buses, Maryland
Mason City Region 2 office and maintenance transit facility, Iowa
Massachusetts Bay Transportation Authority buses, Massachusetts
Merrimack Valley Regional Transit Authority bus facilities, Massachusetts
Miami Beach multimodal transit center, Florida
Miami Beach, electric shuttle service, Florida
Miami-Dade Northeast transit center, Florida
Miami-Dade Transit buses, Florida
Michigan State University campus boarding centers, Michigan
Michigan statewide buses, Michigan
Mid-Columbia Council of Governments minivans, Oregon
Milwaukee County, buses, Wisconsin
Mineola/Hicksville, LIRR intermodal centers, New York
Missoula buses and bus facilities, Montana
Missouri statewide bus and bus facilities, Missouri
Mobile buses, Alabama
Mobile waterfront terminal complex, Alabama
Modesto, bus maintenance facility, California
Monterey, Monterey-Salinas buses, California
Monterey, Monterey-Salinas transit refueling facility, California
Montgomery Moulton Street intermodal center, Alabama
Montgomery Union Station intermodal center and buses, Alabama
Mount Vernon, buses and bus related facilities, Washington
Mukilteo multimodal terminal ferry and transit project, Washington
New Castle County buses and bus facilities, Delaware
New Hampshire statewide transit systems, New Hampshire
New Haven bus facility, Connecticut
New Jersey Transit alternative fuel buses, New Jersey
New Jersey Transit jitney shuttle buses, New Jersey
New Mexico State University park and ride facilities, New Mexico
New York City Midtown West 38th Street Ferry Terminal, New York
New York, West 72nd St. Intermodal Station, New York
Newark intermodal center, New Jersey
Newark Passaic River bridge and arena pedestrian walkway, New Jersey
Newark, Morris & Essex Station access and buses, New Jersey
Niagara Frontier Transportation Authority buses, New York
North Carolina statewide buses and bus facilities, North Carolina
North Dakota statewide buses and bus-related facilities, North Dakota
North San Diego County transit district buses, California
North Star Borough intermodal facility, Alaska
Northern New Mexico Transit Express/Park and Ride buses, New Mexico
Northstar Corridor, Intermodal Facilities and buses, Minnesota
Norwich buses, Connecticut
OATS Transit, Missouri
Ogden Intermodal Center, Utah
Ohio Public Transit Association buses and bus facilities, Ohio
Oklahoma statewide bus facilities and buses, Oklahoma
Olympic Peninsula International Gateway Transportation Center, Washington
Omaha Missouri River transit pedestrian facility, Nebraska
Ontonagon buses and bus facilities, Michigan
Orlando Intermodal Facility, Florida
Orlando, Lynx buses and bus facilities, Florida
Palm Beach County Palmtran buses, Florida
Palmdale multimodal center, California
Park City Intermodal Center, Utah
Parkersburg intermodal transportation facility, West Virginia
Pee Dee buses and facilities, South Carolina
Penn's Landing ferry vehicles, Pennsylvania
Pennsylvania Commonwealth combined bus and facilities, Pennsylvania
Perris bus maintenance facility, California
Philadelphia, Frankford Transportation Center, Pennsylvania
Philadelphia, Intermodal 30th Street Station, Pennsylvania
Philadelphia, PHLASH shuttle buses, Pennsylvania
Philadelphia, SEPTA Center City improvements, Pennsylvania
Philadelphia, SEPTA Paoli transportation center, Pennsylvania
Philadelphia, SEPTA Girard Avenue intermodal transportation centers, Pennsylvania
Phoenix bus and bus facilities, Arizona
Pierce County Transit buses and bus facilities, Washington
Pittsfield intermodal center, Massachusetts
Port of Corpus Christi ferry infrastructure and ferry purchase, Texas
Port of St. Bernard intermodal facility, Louisiana
Portland, Tri-Met bus maintenance facility, Oregon
Portland, Tri-Met buses, Oregon
Prince William County bus replacement, Virginia
Providence, buses and bus maintenance facility, Rhode Island
Reading, BARTA Intermodal Transportation Facility, Pennsylvania
Rensselaer intermodal bus facility, New York
Rhode Island Public Transit Authority buses, Rhode Island
Richmond, GRTC bus maintenance facility, Virginia
Riverside Transit Agency buses and facilities, California

Robinson, Towne Center Intermodal Facility, Pennsylvania
Sacramento CNG buses, California
Salem Area Mass Ttransit System buses, Oregon
Salt Lake City hybrid electric vehicle bus purchase, Utah
Salt Lake City International Airport transit parking and transfer center, Utah
Salt Lake City Olympics bus facilities, Utah
Salt Lake City Olympics regional park and ride lots, Utah
Salt Lake City Olympics transit bus loan project, Utah
San Bernardino buses, California
San Bernardino County Mountain area Regional Transit Authority fueling stations, California
San Diego MTD buses and bus facilities, California
San Francisco, Islais Creek maintenance facility, California
San Joaquin buses and bus facilities, Stockton, California
San Juan Intermodal access, Puerto Rico
San Marcos Capital Area Rural Transportation System (CARTS) intermodal project, Texas
Sandy buses, Oregon
Santa Barbara Metropolitan Transit district bus facilities, California
Santa Clara Valley Transportation Authority buses and bus facilities, California
Santa Clarita buses, California
Santa Cruz metropolitan bus facilities, California
Santa Fe CNG buses, New Mexico
Santa Fe paratransit/computer systems, New Mexico
Santa Marie organization of transportation helpers minibuses, California
Savannah/Chatham Area transit bus transfer centers and buses, Georgia
Seattle Sound Transit buses and bus facilities, Washington
Seattle, intermodal transportation terminal, Washington
SMART buses and bus facilities, Michigan
Snohomish County, Community Transit buses, equipment and facilities, Washington
Solano Links intercity transit OTR bus purchase, California
Somerset County bus facilities and buses, Pennsylvania
South Amboy, Regional Intermodal Transportation Initiative, New Jersey
South Bend, Urban Intermodal Transportation Facility, Indiana
South Carolina statewide bus and bus facility.
South Carolina Virtual Transit Enterprise, South Carolina
South Dakota statewide bus facilities and buses, South Dakota
South Metro Area Rapid Transit (SMART) maintenance facility, Oregon
Southeast Missouri transportation service rural, elderly, disabled service, Missouri
Springfield Metro/VRE pedestrian link, Virginia
Springfield, Union Station, Massachusetts
St. Joseph buses and vans, Missouri
St. Louis, Bi-state Intermodal Center, Missouri
St. Louis Bi-state Metro Link buses
Sunset Empire Transit District intermodal transit facility, Oregon
Syracuse CNG buses and facilities, New York
Tacoma Dome, buses and bus facilities, Washington
Tennessee statewide buses and bus facilities, Tennessee
Texas statewide small urban and rural buses, Texas
Topeka Transit offstreet transit transfer center, Kansas
Towamencin Township, Intermodal Bus Transportation Center, Pennsylvania
Transit Authority of Northern Kentucky (TANK) buses, Kentucky
Tucson buses, Arizona
Twin Cities area metro transit buses and bus facilities, Minnesota
Utah Transit Authority buses, Utah
Utah Transit Authority, intermodal facilities, Utah
Utah Transit Authority/Park City Transit, buses, Utah
Utica Union Station, New York
Valley bus and bus facilities, Alabama
Vancouver Clark County (SEATRAN) bus facilities, Washington
Washington County intermodal facilities, Pennsylvania
Washington State DOT combined small transit system buses and bus facilities, Washington
Washington, D.C. Intermodal Transportation Center, District/Columbia
Washoe County transit improvements, Nevada
Waterbury, bus facility, Connecticut
West Falls Church Metro station improvements, Virginia
West Lafayette bus transfer station/terminal (Wabash Landing), Indiana
West Virginia Statewide Intermodal Facility and buses, West Virginia
Westchester County DOT, articulated buses, New York
Westchester County, Bee-Line transit system fareboxes, New York
Westchester County, Bee-Line transit system shuttle buses, New York
Westminster senior citizen vans, California
Westmoreland County, Intermodal Facility, Pennsylvania
Whittier intermodal facility and pedestrian overpass, Alaska
Wilkes-Barre, Intermodal Facility, Pennsylvania
Williamsport bus facility, Pennsylvania
Wisconsin statewide bus facilities and buses, Wisconsin
Worcester, Union Station Intermodal Transportation Center, Massachusetts
Yuma paratransit buses, Arizona:

Provided further, That within the total funds provided for new fixed guideway systems to carry out 49 U.S.C. section 5309, the following projects shall be considered eligible for these funds: Provided further, That the Administrator of the Federal Transit Administration shall, not later than 60 days after the enactment of this Act, individually submit to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective projects.

The following new fixed guideway systems and extensions to existing systems are eligible to receive funding for final design and construction:
Alaska or Hawaii ferries;
Albuquerque/Greater Albuquerque mass transit project;
Atlanta North Line Extension;
Austin Capital Metro Northwest/North Central Corridor project;
Baltimore Central Light Rail double tracking project;
Boston North-South Rail Link;
Boston Piers Transitway phase 1;
Charlotte North-South corridor transitway project;
Chicago Metra commuter rail extensions;
Chicago Transit Authority Ravenswood and Douglas branch line projects;
Cleveland Euclid Corridor;
Dallas Area Rapid Transit North Central LRT extension;
Dane County/Madison East-West Corridor;
Denver Southeast Corridor project;
Denver Southwest LRT project;
Fort Lauderdale Tri-Rail commuter rail project;
Galveston rail trolley extension project;
Houston Regional Bus Plan;
Lahaina Harbor, Maui ferries;
Las Vegas Corridor/Clark County regional fixed guideway project;
Little Rock River Rail project;
Long Island Rail Road East Side Access project;
Los Angeles Metro Rail—MOS 3 and Eastside/Mid City corridors;
MARC expansion programs: Silver Spring intermodal center and Penn-Camden rail connection;
Memphis Area Transit Authority medical center extension;
Miami East-West Corridor project;
Miami North 27th Avenue corridor;
New Orleans Airport-CBD commuter rail project;
New Orleans Canal Streetcar Spine;
New Orleans Desire Streetcar;
Newark-Elizabeth rail link project;
Norfolk-Virginia Beach Corridor project;
Northern Indiana South Shore commuter rail project;
Northern New Jersey—Hudson-Bergen LRT project;
Orange County Transitway project;
Orlando I–4 Central Florida LRT project;
Philadelphia Schuykill Valley Metro;
Phoenix—Central Phoenix/East Valley Corridor;
Pittsburgh Airborne Shuttle System;
Pittsburgh North Shore—Central Business District corridor;
Pittsburgh State II light rail project;
Port McKenzie-Ship Creek, AK ferry project;
Portland Westside-Hillsboro Corridor project;
Providence-Boston commuter rail;
Raleigh-Durham—Research Triangle regional rail;
Sacramento South Corridor LRT project;
Salt Lake City South LRT Olympics capacity improvements;
Salt Lake City South LRT project;
Salt Lake City/Airport to University (West-East) light rail project;
Salt Lake City-Ogden-Provo commuter rail project;
San Bernardino MetroLink extension project;
San Diego Mid Coast Corridor;
San Diego Mission Valley East LRT extension project;
San Diego Oceanside-Escondido passenger rail project;
San Francisco BART to Airport extension;
San Jose Tasman LRT project;
San Juan—Tren Urbano;
Seattle Sound Move Link LRT project;
Spokane South Valley Corridor light rail project;
St. Louis—St. Clair County, Illinois LRT project;
Tacoma-Seattle Sounder commuter rail project;
Tampa Bay regional rail system;
Twin Cities Transitways Corridors projects; and the
Washington Metro Blue Line extension—Addison Road.

The following new fixed guideway systems and extensions to existing systems are eligible to receive funding for alternatives analysis and preliminary engineering:
Atlanta—Lindbergh Station to MARTA West Line feasibility study;
Atlanta MARTA South DeKalb comprehensive transit program;
Baltimore Central Downtown MIS;
Bergen County, NJ/Cross County light rail project;
Birmingham, Alabama transit corridor;
Boston North Shore Corridor and Blue Line extension to Beverly;
Boston Urban Ring project;
Bridgeport Intermodal Corridor project, Connecticut;
Calais, ME Branch Rail Line regional transit program;
Charleston, SC Monobeam corridor project;
Cincinnati Northeast/Northern Kentucky rail line project;
Colorado—Roaring Fork Valley Rail;

Detroit—commuter rail to Detroit metropolitan airport feasibility study;

El Paso—Juarez international fixed guideway;

Girdwood, Alaska commuter rail project;

Harrisburg-Lancaster Capitol Area Transit Corridor 1 commuter rail;

Houston Advanced Transit Program;

Indianapolis Northeast Downtown Corridor project;

Jacksonville fixed guideway corridor;

Johnson County, Kansas I–35 commuter rail project;

Kenosha-Racine-Milwaukee rail extension project;

Knoxville to Memphis commuter rail feasibility study;

Miami Metrorail Palmetto extension;

Montpelier-St. Albans, VT commuter rail study;

Nashua, NY-Lowell, MA commuter rail project;

New Jersey Trans-Hudson midtown corridor study;

New London waterfront access project;

New York Second Avenue Subway feasibility study;

Old Saybrook—Hartford Rail Extension;

Philadelphia SEPTA commuter rail, R–3 connection—Elwyn to Wawa;

Philadelphia SEPTA Cross County Metro;

Salt Lake City light rail extensions;

Santa Fe/El Dorado rail link;

Stamford fixed guideway connector;

Stockton Altamont Commuter Rail;

Virginia Railway Express Woodbridge transit access station improvements project;

Washington, D.C. Dulles Corridor extension project;

Western Montana regional transportation/commuter rail study;

Wilmington, DE downtown transit connector; and the

Wilsonville to Washington County, OR connection to Westside.

DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND, MASS TRANSIT ACCOUNT)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), $1,500,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $15,000,000, to remain available until expended: Provided, That no more than $75,000,000 of budget authority shall be available for these purposes.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $11,496,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $30,752,000, of which $575,000 shall be derived from the Pipeline Safety Fund, and of which $3,500,000 shall remain available until September 30, 2002: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $36,104,000, of which $4,704,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2002; and of which $30,000,000 shall be derived from the Pipeline Safety Fund, of which $16,500,000 shall remain available until September 30, 2001: Provided, That in addition to amounts made available for the Pipeline Safety Fund, $1,400,000 shall be available for grants to States for the development and establishment of one-call notification systems and public education activities, and shall be derived from amounts previously collected under 49 U.S.C. 60301.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2002: Provided, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $48,000,000, of which $43,000,000 shall be derived from transfers of funds from the United States Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the Federal Transit Administration: Provided, That the funds made available under this heading shall be used to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers, foreign air carriers, and ticket agents: Provided further, That, it is the sense of the Senate, for purposes of the preceding proviso, the terms ''unfair or deceptive practices'' and ''unfair methods of competition'' include the failure to disclose to a passenger or a ticket agent whether the flight on which the passenger is ticketed or has requested to purchase a ticket is overbooked, unless the Secretary certifies such disclosure by a carrier is technologically infeasible: Provided further, That the funds made available under this heading shall be used (1) to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers and foreign air carriers, (2) for monitoring by the Inspector General of the compliance of air carriers and foreign carriers with respect to paragraph (1) of this proviso, and (3) for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which actual or potential barriers exist to consumer access to comparative price and service information from independent sources on the purchase of passenger air transportation: Provided further, That, it is the sense of the Senate, for purposes of the preceding proviso, the terms ''unfair or deceptive practices'' and ''unfair methods of competition'' mean the offering for sale to the public for any route, class, and time of service through any technology or means of communication a fare that is different than that offered through other technology or means of communication: Provided further, That, it is the sense of the Senate, funds made available under this heading shall be used for the submission to the appropriate committees of Congress by the Inspector General a report on the extent to which air carriers and foreign carriers deny travel to airline consumers with nonrefundable tickets from one carrier to another.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $15,400,000: Provided, That notwithstanding any other provision of law, not to exceed $1,600,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That any fees received in excess of $1,600,000 in fiscal year 2000 shall remain available until expended, but shall not be available for obligation until October 1, 2000.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $4,500,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $51,500,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $1,000,000, to remain available until expended.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of

Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: Provided, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, 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. 310. (a) For fiscal year 2000, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, and amounts authorized for the highway use tax evasion program and the Bureau of Transportation Statistics.

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of the Transportation Equity Act for the 21st Century (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under section 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapters 3 and 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and chapter 4 of title 23, United States Code, and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for a section set forth in subsection (a)(4) shall remain available until used for obligation of funds for such section and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract; (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: Provided, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 317. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2002, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 318. Notwithstanding any other provision of law, any funds appropriated before October 1, 1999, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 319. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $60,000,000, which limits fiscal year 2000 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $169,953,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 320. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's Federal aid-highway account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 321. TEMPORARY AIR SERVICE INTERRUPTIONS. (a) AVAILABILITY OF FUNDS.—Funds appropriated or otherwise made available by this Act to carry out section 47114(c)(1) of title 49, United States Code, may be available for apportionment to an airport sponsor described in subsection (b) in fiscal year 2000 in an amount equal to the amount apportioned to that sponsor in fiscal year 1999.

(b) COVERED AIRPORT SPONSORS.—An airport sponsor referred to in subsection (a) is an airport sponsor with respect to whose primary airport the Secretary of Transportation found that—

(1) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

(2) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

(3) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.

SEC. 322. Section 3021 of Public Law 105–178 is amended in subsection (a)—

(1) in the first sentence, by striking ''single-State'';

(2) in the second sentence, by striking ''Any'' and all that follows through ''United States Code'' and inserting ''The funds made available to the State of Oklahoma and the State of Vermont to carry out sections 5307 and 5311 of title 49, United States Code and sections 133 and 149 of title 23, United States Code''.

SEC. 323. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 324. Not to exceed $1,000,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees: Provided, That this limitation shall not apply to advisory committees established for the purpose of conducting negotiated rulemaking in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561–570a, or the Coast Guard's advisory council on roles and missions.

SEC. 325. No funds other than those appropriated to the Surface Transportation Board or fees collected by the Board shall be used for conducting the activities of the Board.

SEC. 326. Hereafter, notwithstanding any other provision of law, receipts, in amounts determined by the Secretary, collected from users of fitness centers operated by or for the Department of Transportation shall be available to support the operation and maintenance of those facilities.

SEC. 327. Capital Investment grants funds made available in this Act and in Public Law 105–277 and in Public Law 105–66 and its accompanying conference report for the Charleston, South Carolina Monobeam corridor project shall be used to fund any aspect of the Charleston, South Carolina Monobeam corridor project.

SEC. 328. Hereafter, notwithstanding 49 U.S.C. 41742, no essential air service subsidies shall be provided to communities in the 48 contiguous States that are located fewer than 70 highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than 210 miles from the nearest large or medium hub airport.

SEC. 329. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2000.

SEC. 330. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 331. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $950,000, to remain available until September 30, 2001: Provided, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105–134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: Provided further, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105–134.

SEC. 332. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided, That no appropriation shall be increased or decreased by more than 12 per centum by all such transfers: Provided further, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 333. None of the funds made available under this Act or any other Act, may be used to implement, carry out, or enforce any regulation issued under section 41705 of title 49, United States Code, including any regulation contained in part 382 of title 14, Code of Federal Regulations, or any other provision of law (including any Act of Congress, regulation, or Executive order or any official guidance or correspondence thereto), that requires or encourages an air carrier (as that term is defined in section 40102 of title 49, United States Code) to, on intrastate or interstate air transportation (as those terms are defined in section 40102 of title 49, United States Code)—

(1) provide a peanut-free buffer zone or any other related peanut-restricted area; or

(2) restrict the distribution of peanuts,

until 90 days after submission to the Congress and the Secretary of a peer-reviewed scientific study that determines that there are severe reactions by passengers to peanuts as a result of contact with very small airborne peanut particles of the kind that passengers might encounter in an aircraft.

SEC. 334. For purposes of funding in this Act for the Salt Lake City/Airport to University (West-East) light rail project, the non-governmental share for these funds shall be determined in accordance with Section 3030(c)(2)(B)(ii) of the Transportation Equity Act for the 21st Century, as amended (Public Law 105–178).

SEC. 335. Section 5309(g)(1)(B) of title 49, United States Code, is amended by inserting after ''Committee on Banking, Housing, and Urban Affairs of the Senate'' the following: ''and the House and Senate Committees on Appropriations''.

SEC. 336. Section 1212(g) of the Transportation Equity Act for the 21st Century (Public Law 105–178), as amended, is amended—

(1) in the subsection heading, by inserting ''and New Jersey'' after ''Minnesota''; and

(2) by inserting ''or the State of New Jersey'' after ''Minnesota''.

SEC. 337. The Secretary of Transportation shall execute a demonstration program, to be conducted for a period not to exceed eighteen months, of the ''fractional ownership'' concept in performing administrative support flight missions, the purpose of which would be to determine whether cost savings, as well as increased operational flexibility and aircraft availability,

can be realized through the use by the government of the commercial fractional ownership concept or report to the Committee the reason for not conducting such an evaluation: Provided, That the Secretary shall ensure the competitive selection for this demonstration of a fractional ownership concept which provides a suite of aircraft capable of meeting the Department's varied needs, and that the Secretary shall ensure the demonstration program encompasses a significant and representative portion of the Department's administrative support missions (to include those performed by the Coast Guard, the Federal Aviation Administration, and the National Aeronautics and Space Administration, whose aircraft are currently operated by the FAA): Provided further, That the Secretary shall report to the House and Senate Committees on Appropriations on results of this evaluation of the fractional ownership concept in the performance of the administrative support mission no later than twenty-four months after final passage of this Act or within 60 days of enactment of this Act if the Secretary decides not to conduct such a demonstration for evaluation including an explanation for such a decision.

SEC. 338. (a) REQUIREMENT TO CONVEY.—The Commandant of the Coast Guard shall convey, without consideration, to the University of New Hampshire (in this section referred to as the ''University'') all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) located in New Castle, New Hampshire, consisting of approximately five acres and including a pier.

(b) IDENTIFICATION OF PROPERTY.—The Commandant shall determine, identify, and describe the property to be conveyed under this section.

(c) EASEMENTS, RIGHTS-OF-WAY, AND RIGHTS.—(1) The Commandant shall, in connection with the conveyance required by subsection (a), grant to the University such easements and rights-of-way as the Commandant considers necessary to permit access to the property conveyed under that subsection.

(2) The Commandant shall, in connection with such conveyance, reserve in favor of the United States such easements and rights as the Commandant considers necessary to protect the interests of the United States, including easements or rights regarding access to property and utilities.

(d) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the following conditions:

(1) That the University not convey, assign, exchange, or encumber the property conveyed, or any part thereof, unless such conveyance, assignment, exchange, or encumbrance—

(A) is made without consideration; or

(B) is otherwise approved by the Commandant.

(2) That the University not interfere or allow interference in any manner with the maintenance or operation of Coast Guard Station Portsmouth Harbor, New Hampshire, without the express written permission of the Commandant.

(3) That the University use the property for educational, research, or other public purposes.

(e) MAINTENANCE OF PROPERTY.—The University, or any subsequent owner of the property conveyed under subsection (a) pursuant to a conveyance, assignment, or exchange referred to in subsection (d)(1), shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Commandant, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(f) REVERSIONARY INTEREST.—All right, title, and interest in and to the property conveyed under this section (including any improvements thereon) shall revert to the United States, and the United States shall have the right of immediate entry thereon, if—

(1) the property, or any part thereof, ceases to be used for educational, research, or other public purposes by the University;

(2) the University conveys, assigns, exchanges, or encumbers the property conveyed, or part thereof, for consideration or without the approval of the Commandant;

(3) the Commandant notifies the owner of the property that the property is needed the national security purposes and a period of 30 days elapses after such notice; or

(4) any other term or condition established by the Commandant under this section with respect to the property is violated.

SEC. 339. (a) None of the funds in this Act shall be available to execute a project agreement for any highway project in a State that sells drivers' license personal information as defined in 18 U.S.C. 2725(3) (excluding individual photograph), or motor vehicle record, as defined in 18 U.S.C. 2725(1), unless that State has established and implemented an opt-in process for the use of personal information or motor vehicle record in surveys, marketing (excluding insurance rate setting), or solicitations.

(b) None of the funds in this Act shall be available to execute a project agreement for any highway project in a State that sells individual's drivers' license photographs, unless that State has established and implemented an opt-in process for such photographs.

SEC. 340. Notwithstanding any other provision of law, from funds provided in the Act, $10,000,000 shall be made available for completion of the National Advanced Driving Simulator (NADS).

SEC. 341. Notwithstanding any other provision of law, section 1107(b) of Public Law 102–240 is amended by striking ''Construction of a replacement bridge at Watervale Bridge #63, Harford County, MD'' and inserting in lieu thereof the following: ''For improvements to Bottom Road Bridge, Vinegar Hill Road Bridge and Southampton Road Bridge, Harford County, MD''.

SEC. 342. TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM. It is the sense of the Senate that, not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration should develop a national policy and related procedures concerning the interface of the Terminal Automated Radar Display and Information System and en route surveillance systems for Visual Flight Rule (VFR) air traffic control towers.

SEC. 343. (a) FINDINGS.—The Senate makes the following findings:

(1) The survival of American culture is dependent upon the survival of the sacred institution of marriage.

(2) The decennial census is required by section 2 of article 1 of the Constitution of the United States, and has been conducted in every decade since 1790.

(3) The decennial census has included marital status among the information sought from every American household since 1880.

(4) The 2000 decennial census will mark the first decennial census since 1880 in which marital status will not be a question included on the census questionnaire distributed to the majority of American households.

(5) The United States Census Bureau has removed marital status from the short form census questionnaire to be distributed to the majority of American households in the 2000 decennial census and placed that category of information on the long form census questionnaire to be distributed only to a sample of the population in that decennial census.

(6) Every year more than $100,000,000,000 in Federal funds are allocated based on the data collected by the Census Bureau.

(7) Recorded data on marital status provides a basic foundation for the development of Federal policy.

(8) Census data showing an exact account of the numbers of persons who are married, single, or divorced provides critical information which serves as an indicator on the prevalence of marriage in society.

(b) SENSE OF SENATE.—It is the sense of the Senate that the United States Census Bureau—

(1) has wrongfully decided not to include marital status on the census questionnaire to be distributed to the majority of Americans for the 2000 decennial census; and

(2) should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census.

SEC. 344. It is the sense of the Senate that the Secretary should expeditiously amend title 14, chapter II, part 250, Code of Federal Regulations, so as to double the applicable penalties for involuntary denied boardings and allow those passengers that are involuntarily denied boarding the option of obtaining a prompt cash refund for the full value of their airline ticket.

SEC. 345. For purposes of section 5117(b)(5) of the Transportation Equity Act for the 21st Century, the cost sharing provisions of section 5001(b) of that Act shall not apply.

SEC. 346. (a) FINDINGS.—The Senate finds that the Village of Bourbonnais, Illinois and Kankakee County, Illinois, have incurred significant costs for the rescue and cleanup related to the Amtrak train accident of March 15, 1999. These costs have created financial burdens for the Village, the County, and other adjacent municipalities.

(b) NTSB INVESTIGATION.—The National Transportation Safety Board (NTSB) conducted a thorough investigation of the accident and opened the public docket on the matter on September 7, 1999. To date, NTSB has made no conclusions or determinations of probable cause.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Village of Bourbonnais, Illinois, Kankakee County, Illinois, and any other related municipalities should, consistent with applicable laws against any party, including the National Railroad Passenger Corporation (Amtrak), found to be responsible for the accident, be able to recover all necessary costs of rescue and cleanup efforts related to the March 15, 1999 accident.

SEC. 347. Of funds made available in this Act, the Secretary shall make available not less than $2,000,000, to remain available until expended, for planning, engineering, and construction of the runway extension at Eastern West Virginia Regional Airport, Martinsburg, West Virginia: Provided, That the Secretary shall make available not less than $400,000 for the Concord, New Hampshire transportation planning project: Provided further, That the Secretary shall make available not less than $2,000,000 for an explosive detection system demonstration at a cargo facility at Huntsville International Airport.

SEC. 348. Section 656(b) of division C of the Omnibus Consolidated Appropriations Act of 1997 is repealed.

SEC. 349. Notwithstanding any other provision of law, the amount made available pursuant to Public Law 105–277 for the Pittsburgh North Shore central business district transit options MIS project may be used to fund any aspect of preliminary engineering, costs associated with an environmental impact statement, or a major investment study for that project.

SEC. 350. For necessary expenses for engineering, design and construction activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center, to become available on October 1 of the fiscal year specified and remain available until expended: fiscal year 2001, $20,000,000.

This Act may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 2000''.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS NOS. 106–11, 106–12, AND 106–13

Mr. WARNER. Mr. President, as in executive session, I ask unanimous

consent the injunction of secrecy be removed from the following treaties transmitted to the Senate on September 1, 1999, by the President of the United States: Tax Convention with Italy (Treaty Document No. 106–11); Tax Convention with Denmark (Treaty Document No. 106–12); and Protocol Amending the Tax Convention with Germany (Treaty Document No. 106–13).

I further ask that the treaties be considered as having been read for the first time, that they be referred with accompanying papers to the Committee on Foreign Relations in order to be printed, and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the Government of the United States of America and the Government of the Italian Republic for the Avoidance of Double Taxation with Respect to Taxes on Income and the Prevention of Fraud or Fiscal Evasion, signed at Washington on August 25, 1999, together with a Protocol. Also transmitted are an exchange of notes with a Memorandum of Understanding and the report of the Department of State concerning the Convention.

This Convention, which is similar to tax treaties between the United States and other developed nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for resolution of disputes and sets forth rules making its benefits unavailable to residents that are engaged in treaty-shopping or certain abusive transactions.

I recommend that the Senate give early and favorable consideration to this Convention and that the Senate give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1999.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the Government of the United States of America and the Government of the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on August 19, 1999, together with a Protocol. Also transmitted for the information of the Senate is the report of the Department of State concerning the Convention.

It is my desire that the Convention and Protocol transmitted herewith be considered in place of the Convention for the Avoidance of Double Taxation, signed at Washington on June 17, 1980, and the Protocol Amending the Convention, signed at Washington on August 23, 1983, which were transmitted to the Senate with messages dated September 4, 1980 (S. Ex. Q, 96th Cong., 2d Sess.) and November 16, 1983 (T. Doc. No. 98–12, 98th Cong., 1st Sess.), and which are pending in the Committee on Foreign Relations. I desire, therefore, to withdraw from the Senate the Convention and Protocol signed in 1980 and 1983.

This Convention, which is similar to tax treaties between the United States and other developed nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for resolution of disputes and sets forth rules making its benefits unavailable to residents that are engaged in treaty-shopping.

I recommend that the Senate give early and favorable consideration to this Convention and that the Senate give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1999.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Protocol Amending the Convention Between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation with Respect to Taxes on Estates, Inheritances, and Gifts signed at Bonn on December 3, 1980, signed at Washington, December 14, 1998. The Protocol provides a pro rata unified tax credit to the estate of a German domiciliary for purposes of computing U.S. estate tax. It allows a limited U.S. ''marital deduction'' for certain estates of limited value if the surviving spouse is not a U.S. citizen. In addition, the Protocol expands the United States jurisdiction to tax its citizens and certain former citizens and long-term residents and makes other changes to the treaty to more closely reflect current U.S. treaty policy.

I recommend that the Senate give early and favorable consideration to this Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1999.*

MEASURE READ FOR THE FIRST TIME—S. 1606

Mr. WARNER. I understand that S. 1606, which was introduced by Senator GRASSLEY, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1606) to reenact chapter 12 of title 11, United States Code, and for other purposes.

Mr. WARNER. Mr. President, I now ask for its second reading, and I object to my own request of the second reading.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR WEDNESDAY, SEPTEMBER 22, 1999

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, September 22. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date and the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin 15 minutes of debate equally divided in the usual form for closing statements on the Department of Defense authorization conference report, with a vote occurring following the debate.

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

Mr. WARNER. I further ask that immediately following the vote on the defense authorization conference report, the Senate proceed to consideration of the VA/HUD appropriations bill and, further, no call for the regular order serve to displace the VA/HUD appropriations bill.

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

PROGRAM

Mr. WARNER. For the information of all Senators, the Senate will convene at 9:30 a.m. and immediately begin 15 minutes of debate on the Department of Defense authorization conference report, with a vote immediately following. Therefore, Senators can expect the first vote at approximately 9:45 a.m. tomorrow. Following the vote, the Senate will begin consideration of the VA/HUD appropriations bill. Amendments are expected to be offered, and therefore Senators can anticipate votes throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. 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 9:02 p.m., adjourned until Wednesday, September 22, at 9:30 a.m.