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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Roger V. Elliott, Edenton Street United Methodist Church, Raleigh, NC. He is sponsored by Senator JOHN EDWARDS.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Roger V. Elliott, offered the following prayer:

Let us pray.

Almighty God, Creator and Sustainer of all life, we thank You for this great land in which we live; for its worthy aims, its charities, and its opportunities for all. Help this melting pot called America with all its varied colors, traditions, and hopes continue to be the best promised land this world can offer. Gracious God, as You anointed leaders and called prophets of old, lead us to recognize our true representatives and authentic leaders—men and women who love Your people and can walk with them, who sense their pain and share their joys, who dream their dreams and strive to accompany them to their common goal. Grant these elected leaders Your wisdom to seek first Your kingdom and Your righteousness, knowing that to do so will cause all others things to fall into place. Lead these Senators to seek Your counsel and to ask what You would have them do so that they may be saved from wrong choices and harmful actions. Guide them in Your straight path so that they may not stumble. Empower and embolden them to serve Your people well and to promote the principles of liberty and justice for all. Hear us, O Lord, as we make our prayer in Your holy name and presence. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM BUNNING, a Senator from the State of Kentucky, 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.

ORDER OF PROCEDURE

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

Mr. REID. I ask unanimous consent that prior to the proceedings beginning, the Senator from North Carolina be recognized to speak.

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

The Senator from North Carolina.

Mr. EDWARDS. I thank the Chair.

REVEREND ROGER V. ELLIOTT

Mr. EDWARDS. Mr. President, I thank Dr. Ogilvie for helping work to get Dr. Elliott here this morning. Dr. Ogilvie has been a wonderful friend and counselor to me in the short time I have been here, and we are also very pleased to see he is doing well.

Dr. Elliott, the guest Chaplain today, is the minister of my home church, the church of which I am a member in Raleigh, NC. Edenton Street United Methodist Church is a church of which we are very proud—about 3,000 strong, I think, the last time I saw. He is here this morning with his lovely wife Jackie. We are very proud to have both of them with us.

The church itself, as I say, is a church of which we are extremely proud. It is a church that is involved in every aspect of ministering to the community in Raleigh and outside of Raleigh. Dr. Elliott has provided extraordinary leadership for this church. He has been a wonderful friend and counselor to myself and my family.

Dr. Elliott, I believe, received his doctorate degree from Duke University and did some postdoctoral study at Drew University. More important than that, though, is that he baptized both of my daughters, Emma Claire and Kate, of whom we are, of course, very proud. But most importantly, Dr. Elliott is a true messenger for God. He speaks the word of God rightly, and he inspires all of us; when he preaches on Sunday morning, we all come out knowing that God was present in our service. That is the most important thing I can say about Dr. Elliott. There is no finer Methodist anywhere, no finer minister anywhere, and I am very proud and honored to have him with us this morning to give the opening prayer.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Wyoming.

SCHEDULE

Mr. THOMAS. Mr. President, this morning the Senate will begin debate on the nuclear waste disposal bill. Under the previous order, there will be 1 hour remaining for debate to be equally divided between the two bill managers. Following that debate, the Senate will immediately vote on final passage of the bill. Therefore, Senators may expect the first vote at approximately 11 a.m. Following the vote, the Senate may begin consideration of any executive or legislative items cleared for action. Therefore, further votes may occur during today's session of the Senate.

I thank the Chair.

RESERVATION OF LEADER TIME

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

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

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NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1287 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1287) to provide for the storage of spent nuclear fuel pending completion of a nuclear waste repository, and for other purposes.

Pending:

Lott (for Murkowski) amendment No. 2808, in the nature of a substitute.

The PRESIDING OFFICER. The time until 11 a.m. shall be controlled by the Senator from Alaska, Mr. MURKOWSKI, and the Senator from New Mexico, Mr. BINGAMAN, or their designees.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, we are now in the final hour of discussion about this nuclear waste-related bill. I thought, since I do not see Senator MURKOWSKI, the chairman of our committee, I would go ahead and make my statement indicating my position. I did speak yesterday on the Senate floor on this issue and laid out the reasons I will be voting against S. 1287 this morning. I encourage my colleagues to join me in voting against the bill. I do so for the simple reason that the bill as presently before us does not solve the problems of the nuclear waste program. In fact, it magnifies those problems.

Let me go through some of the specifics.

First, the bill does not reduce the liability that is borne by taxpayers for the program's failure. Instead of reducing that liability, this bill would increase that liability. The part of the bill that purports to offer the Department of Energy authority to settle lawsuits filed against it is arguably worse for the U.S. taxpayer than is current law. Other parts of the bill set new and arbitrary deadlines for the Department of Energy to ship nuclear waste to Nevada. We know today that the Department of Energy cannot meet those deadlines, and a vote for this bill is a vote for a new wave of litigation. We are already enmeshed in a great deal of litigation. A vote for this bill will bring us even more litigation.

Second, this bill does not speed up the decision of the Department of Energy on whether Yucca Mountain is suitable for a repository. In fact, the effect of the bill is to slow down that decision. By delaying the issuance of a radiation standard for Yucca Mountain by EPA, the bill would delay the process of finalizing whether Yucca Mountain will be a repository site.

The third point I want to make is that this bill does not make new funds available to the nuclear waste program so we can do an effective job of investigating Yucca Mountain and building a repository. Instead of making those funds available, which we should be doing, to the contrary, this bill caps the amount of funds the Department of Energy can collect and shifts the burden of paying for nuclear waste disposal from the beneficiaries of that nuclear power—that is, the people who received electricity from it—to everyone else in the country.

The fourth point I want to make is that the bill does not facilitate the movement of nuclear waste out of our individual States. In fact, this bill, as I read it, would impede the transportation of waste out of those States. Even if we managed to build a repository, if you are from a State that has nuclear waste, the bill contains an impossible hurdle to moving that waste out of your State. Read page 17 of the bill. You will find that no shipments of nuclear waste can occur anywhere until the Secretary of Energy has determined that emergency responders in every locality and every tribal entity along primary or alternative shipping routes for nuclear waste have met acceptable standards of training.

Right in that single provision are the seeds of two huge lawsuits that will keep nuclear waste in your State forever: A lawsuit over what constitutes acceptable training and a lawsuit over the reasonableness of the required determination by the Secretary of Energy that every volunteer fire or ambulance company in every locality that might see nuclear waste at some point is adequately trained.

Also, the requirements are vastly more restrictive on the Department of Energy than anything we have ever considered in the Waste Isolation Pilot Plant case.

In my view, such a certification by a Cabinet officer is a practical impossibility, not to mention an unprecedented intrusion by the Federal Government into local government responsibilities.

The fifth point is that this bill does not fix the problem of the one utility that is actually threatened by a shutdown of one of its plants because of the failings of the Department of Energy's nuclear waste program. I am speaking about the Northern States Power plant at Prairie Island. Nothing in this bill forestalls the shutdown of that plant which is expected in January of 2007.

One of the most disappointing developments of the past few days has been the stripping from the bill of the major provision that did make this bill worth passing, in my view, even though some of the flaws I have described are still in the bill.

The provision that was stripped was a provision giving the Department of Energy new authority and capability to resolve lawsuits that have been filed against it. We have been told this is what a group of seven Governors are insisting. They wanted us to drop this provision.

I studied a copy of their purported letter on this subject, and I find it a very strange document. The copy I have been given is not dated, it carries no signatures, and it is not on any official letterhead. In fact, it carries a heading that suggests it is a draft document. The letter is not about this bill. It is about testimony Secretary of Energy Bill Richardson gave about a year ago.

Some of the reasons given in the draft letter for opposing take title do not apply to this legislation. One argument in the letter complains that nuclear waste might be stored on riverfronts or lakes or seashores where, of course, the reality is one finds nuclear waste stored today in powerplants.

Specifically, an alternative to take title recommended in the letter is not contained in the bill on which we are about to vote, so the claim that by gutting this bill of its key provision —that is, its take title provision—we have satisfied seven Governors is certainly not supported by anything I have found in the document.

The other curious thing about what we have done to the bill during the course of our deliberations this week when we removed this take title provision is that we have converted its statutory instructions to the Department of Energy for settling industry lawsuits into something we know the States themselves publicly oppose. Without take title, all the Department of Energy can do is use money from the nuclear waste fund to give monetary and in-kind compensation to the utilities. That is what section 105 of the bill now authorizes.

Listen to what 51 State agencies from 35 different States told a District of Columbia Circuit Court of Appeals in January 1998 about this concept. This is a quote from their pleadings in that case:

The Court should act decisively to bar DOE from using the NWF [Nuclear Waste Fund] and ongoing fee payments to pay the costs and damages resulting from its deliberate noncompliance. Even the potential for DOE to consider such a course should be immediately invalidated. . . .

That is what the States said in 1998, and in this legislation we instruct the Secretary of Energy to do exactly what 35 States pleaded with the court not to allow the Department of Energy to do.

The No. 1 remedy sought by the 35 States in this lawsuit, several pages after this statement, was a court order forbidding the Department of Energy from doing what section 105 of this bill now tells the Department of Energy to do. I am not making this statement based on some unsigned, undated document. We have a copy of the signed petition to the court here. I am glad to share that with any colleague who wants to review it between now and the time of our final vote.

On that document, many of us will see the signature of our Attorney General, our respective attorneys general from the States, or our representatives from the public utility commissions in our States.

The bottom line is this bill is not going to fix what is wrong with the Department of Energy's nuclear waste

program. On the contrary, it will move us further from a final solution we need to achieve. We should not pass the legislation. I hope my colleagues will join me in voting against it.

Mr. President, I yield the floor, and I reserve the remainder of our time.

Mr. THOMAS. I yield 5 minutes from our time to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Wyoming for his graciousness.

I rise in support of the provisions of the manager's amendment that strikes the take title language from the Nuclear Waste Policy Act amendments. I express my great appreciation to the committee chairman, Senator MURKOWSKI, for his willingness to work with us to address the concerns of a number of States, including my home State of Maine, about the take title provisions.

Our States feared that the take title provisions would grant the Department of Energy a license to permanently store nuclear waste where it now sits—on the very vulnerable riverfronts, seashores, and lake borders of many States.

The take title provision was a fatal flaw in this otherwise necessary and sound legislation. This provision was based upon an ill-advised effort by the Department of Energy to shirk its responsibilities to store nuclear waste.

The take title provision would have allowed the Department of Energy to take ownership of the nuclear waste at each individual nuclear plant across the Nation. At first blush, that sounds very reasonable, but we have to look at the record.

Given the Department of Energy's dismal record of missed deadlines and its utter failure to deal with the nuclear waste issue, new waste storage facilities created under the take title provision would run the very real risk of becoming de facto permanent waste sites.

Moreover, this administration has simply done a miserable job of allaying the fears of the Governor of my State and the people of many other States who all fear the take title provision is a ruse to create permanent repositories at each site.

Residents of my State of Maine have been paying into the nuclear waste fund for years with assurances that the radioactive waste from the State of Maine and from Maine Yankee, in particular, would be moved to a permanent repository, not left in Wiscasset, ME, where the plant once operated. Since 1982, the ratepayers of Maine have paid nearly $150 million into the fund. Yet we have seen no progress, no results.

What to do with our Nation's nuclear waste is, indeed, a difficult question, but creating semipermanent storage at over 100 facilities across the Nation is clearly not the answer.

Similarly, allowing the Department of Energy to continue to dodge its responsibilities is not the answer. The answer is a safe, consolidated facility. The answer is for the Department of Energy to fulfill its obligations. The answer is for the Department of Energy to take possession of the waste, not just in Maine but by physically removing it from these sites across our country.

I urge my colleagues to support the manager's amendment. I believe it will solve the problems with the take title provision and thus improve this important piece of legislation.

Mr. President, I yield the floor and thank the Senator from Wyoming for yielding.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I will be brief.

I come to the floor for just a couple of moments to express my sincere regret that we have not been able to come together to resolve the outstanding differences that are represented today in the debate and will be represented in the final outcome of the vote.

I give great credit to the distinguished ranking member of the committee, Senator BINGAMAN, and to our colleagues, both from Alaska and Nevada, for the effort that has been made to try to reach some accommodation.

Unfortunately, in part because of a lack of willingness on the part of some of our Republican colleagues to come to the middle, we have lost a golden opportunity to finally resolve this matter once and for all.

The administration has indicated it will veto this bill in its current form. The EPA, the Secretary of Energy, and others, have expressed vehement opposition. Environmental groups, both liberal and conservative, the energy utility companies, oftentimes in favor of this legislation, in many cases today have come out in opposition to this bill, in part because of the failure to reach some compromise, and in part because this situation now makes their lives even more complicated and more difficult than it was before. Furthermore, there is deep concern that this bill undermines EPA's ability to protect the American public by delaying its authority to issue a radiation safety standard until 2001.

Instead of streamlining the process of moving nuclear waste to Nevada, this bill has complicated it even more. And, it fails to relieve American taxpayers of the extraordinary liability they face due to the failure to establish a long-term storage site. As a result, we have no choice but to continue to oppose the legislation in its current form.

I hope my colleagues will join me in opposition to this bill. Maybe in conference we can work it out. If we can, maybe we can come to the floor at another date, with another opportunity to see if we cannot successfully resolve these outstanding problems. But today that has not happened.

Today, Senator BINGAMAN and others have expressed their regret and their opposition. We simply cannot allow a bad bill to pass and be signed into law. This is the one opportunity we will have to do it right. We have to do it right before it is signed into law. The President has insisted on that. I think it is incumbent on us to insist on that. I think the American people expect no less.

Mr. President, in just a short while we will have the opportunity to vote. It is my sincere hope that a large number of colleagues, on both sides of the aisle, will join us in saying: No. We have not done the job yet. Until we do it right, our vote will remain no.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I yield myself such time as I may utilize.

Mr. President, I rise in support of the bill. The time has come for the Congress and the Federal Government to step up to do something. This is not a new issue. It has been going on for a very long time. As a matter of fact, the basic legislation—the Nuclear Waste Policy Act of 1982—required the Federal Government to build a storage facility for spent fuel, to accept nuclear waste by 1998, to develop a transportation system, and that the cost would be paid for by the electric utility customers. The Department of Energy has not done this. The administration has not lived up to its part of it. They have been required to have a plan, but they have done very little.

The Federal Government has accepted the more than $16 billion collected from utility customers to do this. It has not shown results. The customers, of course, have been hit more than once in terms of paying the higher rates.

The time has sort of expired to continue to debate this issue, to continue to have opposition, which does not surprise me because there has not been many positive options coming from the other side of the aisle. All we have is resistance. All we have is: No, we are not going to do that.

This year I had the chance to go down to the nuclear storage site in New Mexico. We have spent billions of dollars there. We have moved only a very small amount into that storage spot. Idaho has not been able to use that at all.

Currently over 40,000 metric tons of spent nuclear fuel is being stored at 74 sites in 36 States. An additional 35,000 metric tons from weapons production and naval facilities increases the number of sites.

I understand this legislation isn't what everybody would like to have, but the fact is that we need to do something. Passing this bill will start us moving in that direction. That is what we ought to do.

The legislation drops interim storage, requires the Congress to approve

increases in fees collected, sets a schedule for the development of a repository, authorizes backup storage for any spent fuels, and allows EPA to set radiation standards after June 1, 2001. It does a number of things on which we need to move further. It authorizes the settlement for outstanding litigation and sets an acceptance schedule for spent fuel. I know it is a difficult issue.

I commend Chairman MURKOWSKI and Senator CRAIG for all of their hard work. The Energy Committee, which has approached this several times, has done a number of things. Frankly, the time for delay is over.

We are experiencing some of the same kind of resistance to doing something now in the INEEL situation in Idaho where we are looking very hard at some alternative to incineration.

I have heard from the Vice President. He said he would look into it. I have heard from Mr. Frampton from the White House who said he would look into it. I have heard from the Secretary of Energy who promised to look into it, but nothing has happened.

There is a limit to the amount of time we can continue to stall in making some decisions with regard to this nuclear issue.

I urge support for this bill. I hope we can move forward with it today.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I wish the Chair a good morning.

I ask, how much time is remaining for the majority?

The PRESIDING OFFICER. The majority has 18½ minutes.

Mr. MURKOWSKI. And for the minority?

The PRESIDING OFFICER. Fourteen minutes.

Mr. MURKOWSKI. Mr. President, I note a Dear Colleague letter is circulating this morning from one of our colleagues from Montana and one of our colleagues from California. It concerns the critical environmental vote that will occur at 11 o'clock on the Nuclear Waste Policy Act amendments.

It identifies that the protection of the health and safety of American citizens should be our highest priority. I agree with that. It further states that in order to do this, all decisions must be made based on science, not politics. It suggests this legislation does not do that.

I implore my colleagues, what we are attempting to do is use the best science available. That is why we brought the Nuclear Regulatory Commission and the National Science Academy into the recommending process for EPA. But I point out for the benefit of anyone who still has a doubt that the Environmental Protection Agency has the final authority on determining the radiation standards. But the effort is to get the best science.

Let's be honest with one another. Every time this legislation comes up, it comes down to one thing: Nobody wants the waste.

I have said time and again, if you throw it up in the air, it has to come down somewhere and that somewhere is Nevada. That decision was made some time ago. We have expended $6 billion in the Yucca Mountain effort.

The criticism of this legislation to which this Dear Colleague letter points is it doesn't address an alternative. It is innuendo to say the legislation ''unnecessarily slows EPA's ability.'' It can't do anything until it is licensed. The ''legislation conveys undisclosed acreage of Federal land to Nye and Lincoln Counties in Nevada without providing any maps of the areas or conducting any hearings.'' That is simply not true.

We are trying to accommodate the two affected counties in Nevada by giving them BLM-accessed land. What in the world is wrong with that? Is that contrary to the public health and safety? To me it is good for the people of Nevada. I am sure if you asked the two Senators from Nevada whether their constituents should receive this land, they would have a pretty positive opinion.

What we have here are more smokescreens. We have a statement by the minority ranking member of the Committee on Environment and Public Works saying they have the sole discretion over nonmilitary environmental regulations and control of atomic energy. Well, as chairman of the Energy and Natural Resources Committee, we have the obligation to address the disposal of the nuclear waste. We have attempted to do that in a responsible manner.

Yes, this is politics. This is hard core politics. It is trying to accommodate my good friends from Nevada over their objection to put the waste in their State. The Clinton administration, the administration of Vice President Gore, simply doesn't want to address it on their watch. That is all there is to it.

Each Member who votes against this legislation better be prepared to go home and explain why they voted to keep the waste in their individual State, when we had a chance to move it out to one central location at Yucca Mountain. There it is, 80 sites in 40 States. We have a chance to move it to one location.

The Northeast corridor State Governors said: We don't trust the Federal Government; they didn't take the waste in 1998 when it was contractually due; the ratepayers paid $15 billion; they broke the sanctity of a contractual relationship. What the Governors are saying is they don't want the waste stored in their State by the Federal Government taking title because they are convinced the Federal Government will leave it there. Well, they very well could be right.

As a consequence, we have this waste stored in these States on the way to the schoolgrounds, the playgrounds, the hospitals, homes. We have it on the shores of the Great Lakes—Lake Michigan, Lake Huron, Lake Erie, Lake Superior, Lake Ontario—the great rivers—the Mississippi, the Colorado, the Columbia—the Nation's seashores. We must resolve to put it at a permanent site. That is all there is to it.

We have a good bill. This is a responsible environmental vote. The environmental community has said, we are opposed to this legislation. What are they for? Are they for leaving the waste where it is? Well, they wouldn't respond to that question.

Each Member of this body is elected to make a responsible decision and not be led by groups motivated by their own particular ideology. Make no mistake about it: A large segment of America's environmental community wants to kill the nuclear power industry. They want to kill the nuclear industry because they are opposed to it. But they don't look at the contribution that industry makes to clean air, and they do not address the responsibility of what the alternative is.

So a responsible environmental vote is to move this from these 40 States and 80 sites to one central location that is designed for it. Make no mistake about it: These temporary locations are not designed for it.

There is criticism that this is some kind of a full blown attack by the nuclear power industry. What they are seeking is relief. They are seeking relief from the waste that has been generated over an extended period of time and the inability of the Federal Government to meet its contractual commitments. That should make every Member of this body indignant. But that is what happened. Do you know who is taking it in the shorts? The American taxpayer, because the claims against the Federal Government for not taking that waste under the contract are somewhere between $40 and $80 billion. That is about $1,400 per family every year in this country. Nobody seems to care about it. I care about it. I am sure you do, Mr. President.

We have a good bill. It uses the WIPP transportation model. It is safe transport. The States decide the routes. Some of my colleagues are fearful it is going to be moved by rail. It is not going to be moved by rail. It is very doubtful. Rails don't go direct. A rail goes from one railyard to the next railyard. Oftentimes those railyards are around areas of high concentration of population. That doesn't make sense. The Governors are going to have control of where these routes are determined. They are going to be safe routes because we are going to have professionals out there determining the safeguards, the drivers, and so forth. In fact, we submitted a letter yesterday from the national Teamsters Union. They are concerned because they want trained people. Their trained people will be involved.

Finally, EPA has the sole authority to set the radiation standard. Don't let anybody tell you differently. I love my friends from Nevada. I really do. I have a great deal of respect for them. I know where they are coming from. Do you know what they said in the hearing? They said, regardless of what the safeguards are, what assurances we have, we are not going to support a bill that would put the waste in Nevada. I understand that. So it means it doesn't make any difference what we do, what the minority does, what the Senator from California and the Senator from Montana do. We will never be able to convince them. I understand that. So let's recognize that for what it is.

The Secretary may settle lawsuits and save the taxpayers this $80 billion liability. This legislation allows early receipt of fuel, once construction is authorized, as early as 2006. The nuclear waste fee can only be increased by Congress. It prevents unreasonable increases in the fees. We provide benefits to counties most affected by repository land conveyance of the 76,000 acres to Nye and Lincoln Counties. This is the land that Nevada wanted. Well, I wonder how bad they want it now.

We struggled with this problem for many years. The time is right. S. 1287 is the solution. Utility consumers have paid over $15 billion into that waste fund. We cannot jeopardize the health and safety of citizens across the country by leaving that spent nuclear fuel in 80 sites in 40 States. That is irresponsible. We should move it once and for all where it belongs: at a remote site on the desert.

I will show my colleagues that picture one more time, where we have had 800 nuclear tests over a period of 50 years. That is the site. We risk, if we can't get this legislation through, losing 20 percent of our clean generation. Where are we going to make it up? We can't jeopardize our economic and environmental future by ignoring the nuclear waste management issues. That is what we are going to do if this legislation is not supported. We risk losing 103 nuclear powerplants.

I urge Members to vote for S. 1287 and finally put this problem behind us. And one more time, Mr. President—remember, each Member who votes against this bill is going to be obliged to explain why they voted to keep the waste in one of the 40 States that they come from when they had a chance to move it to one central location, Yucca Mountain.

Mr. JEFFORDS. Will the Senator yield?

Mr. MURKOWSKI. Yes. How much time remains?

The PRESIDING OFFICER. Six minutes.

Mr. JEFFORDS. I will be very brief.

Mr. MURKOWSKI. I yield 1 minute to my friend from Vermont.

Mr. JEFFORDS. Mr. President, I thank the Senator for the changes made in the take title provisions. I have discussed it with my Governor, and now I can say that we no longer have an objection to the bill. The Governor hopes it passes with the changes that were made. So I wanted to let everybody know that I am in favor of the bill, and I appreciate the changes that were made.

I yield the floor.

Mr. BINGAMAN. I yield 3 minutes to Senator BRYAN, the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. I thank the Chair.

I hardly know where to begin because so much misinformation has been uttered about this piece of legislation. This is clearly a legislative vessel that is flying under false colors. There is absolutely nothing in this bill that says, look, it is going to be Yucca Mountain as opposed to anything else. That decision, in terms of studying it, has already been made. I regret that, but it doesn't alter the fact that only Yucca Mountain is being considered and that process goes forward. The bill has nothing to do with whether or not Yucca Mountain is going to be the site that is going to be considered and studied over the next few years, absolutely nothing. So vote against this bill.

With respect to the compensation issue, we have agreed for more than a decade, and this Senator has personally offered legislation to compensate the utilities. That is not an issue. We agree. This bill would pass by unanimous consent if that was the only provision that was in there. This Senator would be among the first to say that is fair.

What this is all about is trying to game the standards. That is what we are talking about. By and large, in its original form, this bill stripped out EPA. Now, games are still being played. Somehow it is suggested that EPA is being unreasonable. EPA has set a standard of 15 millirems, the same one set at WIPP, the transuranic for nuclear waste. In 1982, when the Nuclear Waste Policy Act was enacted, Congress thought EPA ought to be the one to make that determination. Now, is it a fair, reasonable standard? Somehow this crazy myth has been spilled out all over the floor that this is an unreasonable standard. The National Academy of Sciences—and this is not a Nevada-based group; the ''N'' stands for National, not Nevada—has looked at the standards and said, look, the range should be between 2 and 20 millirems, and it is 15.

Any Member of this Senate can defend a ''no'' vote on this legislation on the basis that Yucca Mountain is going forward in the study process. Nothing changes that. All we are saying is, in the interest of fairness, don't play politics with the standards. And that is what is occurring. All we are asking is that the health and safety of Nevada be accorded the same protection that the good citizens of New Mexico and every other place in America enjoy. So by moving this into the next year, they are trying to play politics. Do you know what. The very perverse result of all of this is that it is going to result in a further delay, and that would be as a result of this legislation being enacted.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, let me respond to a few of the points made in debate. The other Senator from Nevada also wishes to speak.

First, when my good friend from Wyoming made his comments, he made a point that we hear a lot on the floor, which is that the people who are opposed to this bill have offered no alternatives. That is not true. I think anyone who has followed the course of this legislation in committee knows that I offered an alternative in committee, which got a significant number of votes, which I believe would have been a substantial step forward. On each of the issues we are debating, I have offered alternative language. So, clearly, that is not the case.

Second, on the issue about the Department of Energy making no progress with the Yucca Mountain project, I don't think that is an accurate or fair criticism at this point. Clearly, they have not done all we wish had been done, but it is also true that Congress, most years, has not provided the funding requested for this project.

The Department of Energy is on target to characterize the Yucca Mountain facility. Five miles of tunnel have been built in the last few years. Numerous test facilities have been built. Progress is being made but not adequate progress. I am sure they are unhappy with the pace of progress. Of course, this legislation contains a delay in the EPA's ability to issue their standards. The take title is perhaps the part that is most confusing because there seems to be an underlying belief on the part of some Senators who have spoken that if we provide this take title authority so that the Department of Energy can go in and take the title and settle these lawsuits that are pending, somehow or other that lessens the need for the Department of Energy to go ahead and move the waste to Yucca Mountain or to any other central facility. I don't see that myself. What Federal agency is going to want to permanently be the owner and caretaker of nuclear waste in 80 different locations? Clearly, DOE would not want that result. They would like to resolve the pending lawsuits, take title to the property, move ahead as quickly as possible to get the site characterized, and if it meets the standard, then go ahead with it. So I don't think this take title thing is what it is described to be.

On the land transfer issue, on which there has been some discussion, there were no land transfers in the committee-reported bill. I think we need to understand that. So there are no maps

and there was no discussion about it in the committee because it wasn't brought up there. Page 11 of the bill makes reference to ''maps dated February 1, 2000, and on file with the Secretary of Energy.'' We can't find any such maps. The Secretary of Energy can't find any such maps. We don't know what they are talking about. There is real confusion about the specifics of these land transfers.

The final point I will make on this—and I will defer to my colleague, Senator REID—is the chairman, understandably, in his concluding remarks, said if you vote for this bill, we will put this problem behind us. Mr. President, if that were true, I would be sorely tempted to vote for this bill. The truth is, we can vote for this bill, pass this bill, and the President can sign this bill, but not only are the problems not behind us, our problems would be compounded. Therefore, I will not be able to support the bill. I regret that we will not pass something that does, in fact, put the problem behind us.

I yield 3 minutes to my colleague from Nevada, Senator REID.

Mr. REID. Mr. President, as I said yesterday, when I practiced law, I represented car dealers, and there were times when they got cars in their inventory that simply were bad cars, lemons. There wasn't anything they could do to fix them. They would take them into the shop two, three, four times, and they turned out to be lemons. I represented a car dealer who sold a car to someone and he said, ''They have a car out in front of my place painted yellow that looks like a float; it is a lemon.'' He said, ''You have to settle this case.''

That is what we have. This legislation is a lemon. Whatever the esteemed chairman of the full committee tries to do, he can't make an orange out of a lemon. This is bad legislation. The Senator from New Mexico is known in the Senate as being a very thoughtful man. He has tried very hard to get a piece of legislation that improves the process for Yucca Mountain. Now, this situation has been amply described by anybody who is willing to read this legislation as being a travesty. This legislation doesn't help anything. It is opposed by the environmental community, the President of the United States, the Director of the EPA, and the Department of Energy Secretary. This is bad legislation and it should be voted against.

Talking about the land in Nevada, nobody knows what that is. There are about 74 million acres in Nevada. They are talking about maps that don't exist. What the chairman has tried to do in this legislation is satisfy one group of people and, in the process, he eliminates others.

For the first time in the history of this legislation, the utilities are opposed to the States. The utilities wanted to get rid of this nuclear waste. Now they own it more than they ever owned it. They will be stuck with it forever if this legislation passes.

I think this legislation should be taken back to the drawing board to see if anything can be done to improve it. In the meantime, at Yucca Mountain the characterization is still taking place. I think we should let the 1987 act stand for what is going to take place at Yucca Mountain—not some cockamamie piece of legislation that is trying to give the nuclear industry a reward they don't deserve.

Mr. FEINGOLD. Mr. President, I want to share my views on the Nuclear Waste Policy Amendments Act of 2000 (S. 1287). Specifically, I want to explain why I will continue to oppose this legislation in its current form.

Let me first express my grave concern about the process by which this legislation has been developed over the last few days. My office received a new version of this legislation, which eventually was proposed as a substitute amendment, nearly every day last week. Closed negotiations have continued even while the bill has been on the floor. For those of us who have utilities in our states that are grappling with nuclear waste storage questions, this made it nearly impossible to analyze this bill on behalf of our constituents. The issues presented in this legislation are serious policy issues, and our constituents deserve better information.

I am principally opposed to this bill because it does little to address the nuclear waste storage question in my home state of Wisconsin. Wisconsinites want nuclear waste removed from our state and stored in a permanent geologic repository out of state so that it has no chance of coming back to Wisconsin. I opposed nuclear waste legislation in the last Congress which sought to build large scale interim storage facilities before the permanent storage site is ready and would have jeopardized consideration of the permanent site. This year's bill would have provided federal funds for on-site storage of nuclear waste until the permanent storage site at Yucca Mountain was ready to take our waste.

The substitute amendment stripped out the on-site storage provisions. This bill now does nothing to address the waste situation at the majority of Wisconsin's nuclear plants. The bill, as amended by the substitute amendment, does contain a specific section which would address the nuclear waste situation at the La Crosse Boiling Water Reactor, which is owned by Dairyland Power and has been shut down for years. The Dairyland language is something that I have supported and will continue to support, but I had hoped this legislation would be able to extend similar relief to other Wisconsin utilities.

With the on-site storage provisions stripped out, the bill retains a loosely knit collection of provisions that seem unlikely to have a beneficial impact on the country's nuclear waste program. The bill requires the Nuclear Regulatory Commission's and the National Academy of Sciences' concurrence in the radiation exposure standard that the U.S. Environmental Protection Agency is drafting—an entirely new procedure. If those entities do not agree, the responsibility to set the standard comes back to Congress. I am concerned that if those entities cannot agree it is likely that Congress can not do much better to resolve the issues.

One of my other concerns has always been the safety and security of shipping nuclear materials from their current locations to a permanent geologic storage site outside of the state. Obviously, there is a risk that, during the transportation, accidents may occur. Although the legislation provides for emergency response training in the jurisdictions through which nuclear material would be transported, I still feel that these provisions need to be strengthened to ensure that state and local governments have the financial and equipment resources they need to respond to accidents.

In conclusion, I cannot support legislation which purports to fix the country's nuclear waste program and leaves Wisconsin so far behind. I continue to remain hopeful that legislation in this area can be crafted that can win my support.

Mr. LEVIN. Mr. President, I will vote for the most recent version of the Nuclear Waste Policy Amendments Act of 2000. It advances the process further, and it is essential that the promised and paid for disposal of nuclear waste from Michigan proceed. There are a number of provisions in this bill which are problematic and while I will vote to advance this legislation, I will review the final product that comes before the Senate.

Mr. DASCHLE. Mr. President, for the last several days the Chairman of the Energy and Natural Resources Committee, Senator MURKOWSKI, and the Ranking Member, Senator BINGAMAN, have been working to come to an agreement on legislation to resolve how our nation will provide long-term storage for deadly nuclear waste that is currently stockpiled near nuclear reactors around the country.

Despite many hours of hard work, an agreement was not reached. The legislation before the Senate today will not ensure the safety of the American public or deal with the critical issues of liability that first led us to consider this legislation.

I would like to take a few moments this morning to explain why I will be opposing the substitute amendment to S. 1287, the Nuclear Waste Amendments Act of 2000.

As Senator BINGAMAN explained last night, this legislation was proposed because the federal government was unable to meet its obligation under the law to provide a long-term storage site for nuclear waste. In 1982, Congress directed the Department of Energy to begin accepting waste at a long-term storage site by 1998. This deadline has not been met, and as a result, the taxpayers are facing billions of dollars in potential liability.

Originally, this bill would have allowed the Department to settle these lawsuits by taking title to the waste in its current sites pending completion of a long-term storage facility. This provision has now been removed from the bill. As a result, this legislation does nothing to relieve the taxpayers of the enormous bill they may have to foot.

I am also deeply concerned by steps taken in the bill to undermine the authority of the Environmental Protection Agency to set radiation safety standards. EPA has currently proposed tough but reasonable standards to protect groundwater and those living in the area. These standards are consistent with a report of the National Academy of Sciences issued in 1995.

However, this legislation prevents EPA from issuing final standards until June 1, 2001. The clear expectation underlying this provision is that a new president will be in office who will support weaker standards than those currently proposed.

Mr. President, it is unacceptable to gamble with the health of Americans who will be living near the long-term storage site. It is very likely that waste will be stored at Yucca Mountain in Nevada. Nearby, there is a dairy farm and fields of crops that use groundwater for irrigation. If we do not support tough safety standards, there is a chance that radiation in the groundwater will end up in the water used in these farms and for drinking by those who live there, putting public health at risk.

Finally, I am concerned about an enormous potential write-off for nuclear utilities in this bill. Currently, utilities pay into a Nuclear Waste Fund to ensure that the Department of Energy has the resources it needs to pay for long-term storage. This bill caps the amount that must be paid by utilities, setting up the taxpayer to fund whatever costs remain.

We need to do a better job of protecting the safety of the American public and the taxpayers from the bottomless liability that may result from this legislation. For these reasons, I will oppose this bill.

Finally, I want to thank Senator BINGAMAN for his hard work on this issue, and Senators REID and BRYAN. While this bill today is not yet satisfactory, it is significantly better than those we have seen in the past. It is largely thanks to the efforts of these Senators that these changes have been made.

Mr. CRAPO. Mr. President, I rise in support of S. 1287, a bill to provide for the storage of spent nuclear fuel, pending completion of the permanent nuclear waste repository.

I also want to thank Senator CRAIG and Senator MURKOWSKI for their tireless efforts to move forward on legislation to address the issue of disposing of spent nuclear fuel and high-level waste.

The federal government made a commitment to the nation's nuclear utilities that it would build a permanent repository to dispose of commercial spent nuclear fuel. By law, the repository was supposed to be ready to accept nuclear waste by 1998.

Six billion dollars later, the Department of Energy effort to build a repository is years behind schedule and mired in political warfare.

As a result of these delays, the U.S. Court of Appeals for the District of Columbia ruled that the DOE had failed to meet its legal obligations and ordered the Department to pay contractual damages to the nuclear utilities.

If the current situation is allowed to continue, the utilities will be paying twice. They have already contributed to the nuclear waste fund to build the repository. Without this legislation, they will continue to pay for the repository and on site storage for waste the federal government said it would take.

As a result of national defense and research activities, the federal government itself has generated thousands of tons of spent nuclear fuel and high-level waste. This waste continues to be monitored and stored at federal sites across the country, including the Idaho National Engineering and Environmental Laboratory, at significant cost. This waste is also waiting to be sent to a permanent repository.

The financial resources that are necessary to continuously store, monitor, and maintain this fuel and waste are overwhelming and could be used for other constructive purposes by the government and utilities instead of watching and waiting as has been the past practice.

This bill offers an option for relief to utilities where the Department of Energy could take title to the fuel and transport it to the repository site. Different from past legislation, this bill identifies that spent fuel storage at the repository site, in advance of fuel placement in a repository, cannot occur until construction of the repository has been authorized.

This bill is particularly important to the State of Idaho because of the 1995 Settlement Agreement. This agreement was entered into in Federal court. It was agreed to by the Departments of Energy and Navy and the State of Idaho. One of the requirements is to remove all spent fuel from Idaho by 2035. A repository or interim storage site is essential for the parties to comply with the agreement.

The logical location for the permanent repository is Yucca Mountain. It has been designated by Congress as the only site for study. It is located on dry Federal desert land. It is adjacent to the Nation's nuclear testing site where hundreds of nuclear weapons have been exploded.

The bill establishes a schedule for decisions on the adequacy of Yucca Mountain as a repository which will allow the parties to comply with the Idaho Settlement Agreement. The bill also deletes the 70,000 metric ton uranium cap which had been imposed on the repository. Removal of this cap allows one geological repository to be capable of handling the nation's inventory of spent fuel and high-level waste instead of multiple repositories.

The bill allows the Nuclear Regulatory Commission and National Academy of Sciences to give input on the scientific validity and protection of the public health and safety provided by the proposed Environmental Protection Agency radiation standard. The Environmental Protection Agency maintains standard setting authority, cannot set a standard until June 1, 2001, and is not bound to accept or even consider the Nuclear Regulatory Commission or National Academy of Sciences input. This compromise only delays the setting of a radiation standard by the Environmental Protection Agency and delays the date by when the Secretary of Energy will have an established radiation standard to work to. Although I dislike the compromise that was reached I understand that a compromise needed to be made to move this important legislation forward.

Support of this bill is the right thing to do for the country.

Idaho is one of several states where defense and DOE spent nuclear fuel and high level waste are stored; other major states include Washington, South Carolina, and New York.

There are over 70 commercial nuclear utilities that are storing spent nuclear fuel because the federal government has not lived up to its contract.

Storage facilities at these locations are filling up quickly, will not last forever, and will be expensive to monitor and maintain.

The U.S. receives 20 percent of its electricity capacity from nuclear power. There are no other emission free alternative power generating technologies that could replace this capacity if opponents are successful in shutting down nuclear power. Many of the issues associated with spent nuclear fuel are political, not technical. Nuclear fuel has been moved safely across this country and around the world for nearly forty years. The ''mobile Chernobyl'' scare tactics are a myth.

Movement needs to continue on a permanent repository and relief needs to be provided for nuclear utilities. This bill provides forward momentum and relief.

I would have preferred to see the bill go further by establishing an interim storage facility at the Nevada Test Site and vesting standard setting authority with the Nuclear Regulatory Commission. Unfortunately, the Congress has been unable to enact this type of legislation because of the threat of a presidential veto. While I would have preferred to vote in support of a stronger bill, I understand why Senator MURKOWSKI has made concessions to the other side to try to move this legislation forward.

This is an important piece of legislation which will show the American people that we can address the issue of nuclear waste in a way that is technically and environmentally sound.

I urge my colleagues to vote to support enactment of this important piece of legislation.

Mr. BINGAMAN. Mr. President, I would like to take this opportunity before we vote to recognize a member of the Senate staff who has contributed a lot to the nuclear waste debate over the years. That person is Joe Barry, who has worked for Senator BRYAN for many years, and who apparently has actually had other duties not related to nuclear waste, as well. He is a tremendous professional who has helped keep the debate in the Senate on this issue on a high level of technical accuracy. I understand that he will be leaving for a position in the private sector in Boston when we break for this recess. Senators don't always agree with each other in debate. The search for relevant and accurate information and perspectives is essential to the legislative process, and is greatly helped when Members have highly competent professional staff like Joe. We will miss him in this chamber, and I would like to extend my personal best wishes to him for great success in the future.

Mr. WELLSTONE. Mr. President, I regret that I cannot support S. 1287, the Nuclear Waste Policy Amendments Act of 2000.

I cannot support this bill because it fails to meet the safety concerns of our local communities regarding the hazards of nuclear waste. I cannot support this bill because it poses an unacceptable danger to the lives and health of the thousands of Minnesotans and millions of Americans who live near shipment routes.

By dramatically increasing the number of hazardous shipments through local communities, S. 1287 increases the risk of transportation accidents involving nuclear waste and could put public health and safety in jeopardy. This legislation would mean an additional 800 shipments in the first two years, growing to about 1,800 shipments annually by the fifth year. These shipments would continue for at least 25 years, traveling within half a mile of 50 million Americans.

Under this legislation, highly dangerous nuclear waste would be shipped through 40 or more states, including my own state of Minnesota, regardless of whether it is safe for our local communities, and without their input. Without reliable and efficient emergency response safeguards for our local communities, S. 1287 fails to protect local communities from even a small accident during the shipment of nuclear waste.

Recently, DOE projected that a nuclear waste transportation accident in a rural area with even a small release of radioactive material would contaminate 42 square miles. DOE also estimated that it would take 460 days to clean up such an accident, at a cost of $620 million. The safety record of nuclear waste transportation should give us pause. Between 1964 and 1997, the Department of Energy (DOE) made approximately 2,913 shipments of used nuclear fuel. During this time, there were 47 safety incidents involving nuclear shipments, including 6 accidents.

Furthermore, S. 1287 undermines the Environmental Protection Agency's (EPA) standard-setting process. It would delay the EPA's existing statutory authority to adopt health and safety standards to protect local communities from the release of radioactive materials. This delay stands in fundamental contradiction to the claimed urgency of this legislation. It also highlights the misplaced priorities of S. 1287, with an unacceptable emphasis on disposal at any cost, regardless of whether the safety and health of local communities have been adequately provided for.

It is especially regrettable that S. 1287 does not resolve our dilemma regarding the future of nuclear waste storage. Nobody, including me, wants this waste to stay onsite forever, but we need a safe and responsible solution for disposal of the waste we have created. As we head into the 21st century, we urgently need to develop a policy that protects the health and safety of local communities and all Americans. Unfortunately, this bill fails to meet that requirement. S. 1287 is a disappointing step in the wrong direction and a regression from past legislative efforts in this area. And for that reason I am voting against it.

Mrs. BOXER. Mr. President, I strongly oppose S. 1287 and the substitute amendment being offered. This is bad policy and should be rejected by the Senate.

Protecting the health and safety of American citizens should be our highest priority in evaluating the disposal of our nuclear waste. In order to do this, all decisions must be made based on science, not politics. This legislation does not do that. Under the cover of a ''compromise'' bill, this legislation is the latest attempt to pre-empt science and legislate the scientific suitability of Yucca Mountain, Nevada, as a high-level nuclear waste dump.

Instead of finding a repository that meets our health and safety standards established in law, this legislation attempts to weaken our health and safety standards to meet the repository. I cannot and will not support such an action.

For many years we have debated the suitability of a high-level radioactive waste dump site at Yucca Mountain. And for years, I have been down on this Senate floor with my colleagues from Nevada fighting to protect the health and safety of the citizens of Nevada. But I know that Yucca Mountain is not just a Nevada issue, it is a national issue—and more important to me, it seriously and directly affects my State of California.

Yucca Mountain is only 17 miles from the California border and the Death Valley National Park. Development of this site has the potential to contaminate California's groundwater and poses unnecessary threats to the health and safety of Californians due to possible transportation accidents from shipping high-level nuclear waste through Inyo, San Bernardino and neighboring California counties.

Since its inception as a National Monument in 1933, the federal government has invested more than $600 million in the Death Valley National Park. The Park receives over 1.4 million visitors every year. Furthermore, the communities surrounding the park are economically dependent on tourism. The income generated by the presence of the Park exceeds $125 million per year. The Park has been the most significant element in the sustainable growth of the tourist industry in the Mojave Desert. The Park is committed to sustainable growth of jobs and infrastructure in contrast to the traditional boom-and-dust desert economy.

Scientific studies show that a significant part of the regional groundwater aquifer surrounding Yucca Mountain discharges in Death Valley because the valley is down-gradient of areas to the east. If the groundwater at Death Valley is contaminated, that will be the demise of the Park and the surrounding communities. The long-term viability of fish, wildlife and human populations in the area are largely dependent on water from this aquifer. The vast majority of the Park's visitors rely on services and facilities at the park headquarters near Furnace Creek. These facilities are all dependent upon the groundwater aquifer that flows under or near Yucca Mountain. And, unfortunately, there is no alternative water source that can support the visitor facilities and wildlife resources.

Water is life in the desert. Water quality must be preserved for the viability of Death Valley National Park and the dependent tourism industry.

I hope my colleagues agree that we should not threaten these visitors, this natural treasure, and our huge financial investment with incomplete science and unnecessary actions. The potential loss is just too great.

It has been extremely difficult to get the Energy Department to accept California's connection to the site. Although DOE now recognizes Inyo County, California as an Affected Unit of Local Government under the Nuclear Waste Policy Act, it did so reluctantly after a successful lawsuit by the county that resulted in DOE granting affected unit status in 1991. Inyo is the only county in California that is now listed. Fortunately, in response to a letter that I sent to the Energy Department, a hearing will be schedule in San Bernardino County to discuss the potential threat of transportation routes through the county. But my State's concerns are not being fully addressed. I ask unanimous consent that my letter to Secretary Richardson and his response be included in the RECORD.

As an Affected Unit of Local Government, Inyo County receives Federal appropriations to monitor the Yucca

Mountain project. The primary thrust of Inyo County's monitoring program has been to demonstrate the hydrologic connection between the aquifer underlying Yucca Mountain and the discharge points in Death Valley National Park and surrounding communities.

In addition to the groundwater concerns, my State is extremely concerned about the increased transportation of high level radioactive waste that will be shipped through our State as a result of this bill. Despite my objections, the Department of Energy has already started to ship low-level nuclear waste through Inyo County to the Nevada Test Site. Inyo and San Bernardino are especially concerned because of the lack of thorough studies on the transportation routes.

The State of California has also been very involved in this issue. The California Energy Commission's comments on the Yucca Mountain Project Draft Environmental Impact Statement express the State's serious concerns over the possible groundwater contamination and the lack of adequate analysis of proper transportation routes. In fact, the Western Governor's Association has repeatedly asked the Energy Department to complete a more detailed and thorough analysis of the transportation routes to Yucca Mountain to no avail.

While the legislation that we are debating today is an improvement from bills introduced and debated in the past, it still must be stopped. This legislation would undermine the regulatory framework authorized in the Nuclear Waste Policy Act of 1982 and implemented by the EPA and DOE.

The EPA was directed by Congress to establish a radiation exposure standard for Yucca Mountain. The EPA is in the process of completing that requirement. The draft standards were issued last August and the EPA is currently considering all comments on the proposal. The draft standard includes a separate—and much needed—groundwater standard for the repository that must meet the requirements of the Safe Drinking Water Act.

The legislation we are discussing today prevents the Clinton Administration from acting in a timely manner to protect public health. However, once this Administration leaves office, the EPA standards could move forward. Where is the science in that?

This provision flies in the face of science and the fundamental principle of protecting public health and safety first and foremost.

I understand that a 1995 study by the Department of Energy showed that the radiation at Yucca Mountain would be much higher than allowed under current regulations. In fact, the DOE study finds that maximum doses at the site would be 50 rem per year.

If, like me, you are not a scientist, let me put that number into perspective for you. That is like having approximately 5,000 chest x-rays annually. Furthermore, it is about 2000 times higher than what the public is currently permitted to receive under an operating powerplant under current EPA regulations. That dose is sufficient to produce approximately 100 percent probability of dying of cancer under NRC and DOE current risk estimates. Virtually everyone exposed to that dose would die of cancer. So rather than go back and try to design a better repository to meet the standards, we are on this floor to change the standards to meet the repository.

Finally, the one provision in S. 1287 that most people could agree on was stripped from this substitute amendment. That provision would have allowed the Energy Secretary to take title to the waste that is currently being stored on-site in order to resolve the liability issue.

The alleged reason for moving this legislation was to deal with the liability issue that was created by a successful lawsuit from the utilities against the Energy Department. The utilities claimed that the Energy Department was not meeting its obligations under the Nuclear Waste Policy Act to store this waste. And the utilities won. Senator MURKOWSKI and Secretary Richardson seemed to agree that the best way to resolve this issue was to have the Energy Department take title to the waste at the utilities. That was the reason for moving a bill. Now, that provision is gone, and therefore the reason to move this bill is gone.

Mr. President, I urge my colleagues to vote no on this unnecessary legislation.

I ask unanimous consent that correspondence in regard to this bill be printed in the RECORD.

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

U.S. SENATE,
HART SENATE OFFICE BUILDING,
Washington, DC, January 12, 2000.

Hon. BILL RICHARDSON,
Secretary of Energy, James Forrestal Building, Washington, DC.

DEAR MR. SECRETARY: I am writing about the environmental impact report being prepared for the proposed transfer of radioactive material to Yucca Mountain near Las Vegas. More specifically, I am writing about the concerns of the San Bernardino Board of Supervisors that the County of San Bernardino has received less than adequate information about the process.

Though radioactive material being transported to Yucca Mountain in Nevada will be transported within San Bernardino County, there has been no hearing on the proposal within the County. Further, San Bernardino County officials allege that they have received no formal notice of hearings held outside the county or other notices of the environmental process.

I understand that other hearings were recently added to the Yucca Mountain review process. This is a request that you schedule a further hearing within San Bernardino County. I am certain that San Bernardino County officials will be happy to help arrange such a hearing. Thank you for your attention to this matter. Please respond to me through my San Bernardino office.

Sincerely,

BARBARA BOXER,
U.S. Senator.

SECRETARY OF ENERGY,
Washington, DC, February 3, 2000.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: Thank you for your letter of January 12, 2000, regarding the environmental impact report being prepared for the proposed transfer of radioactive material to Yucca Mountain.

I am sensitive to your concerns and the concerns of your constituents in San Bernardino County regarding their involvement in the Draft Environmental Impact Statement (EIS) for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada. I have added an additional public hearing in the city of San Bernardino. The hearing will be held prior to the end of the comment period for the Draft EIS, which has been extended until February 28, 2000. A Federal Register Notice announcing the date and location of this public hearing is forthcoming.

The Department is making every effort to address the public's interest in this document. This past December, three additional hearings were scheduled to include locations in the Midwest, including Lincoln, Nebraska; Cleveland, Ohio; and Chicago, Illinois. With the inclusion of an additional hearing in your State, the Department will have conducted a total of 21 hearings, 11 throughout the country and 10 in the State of Nevada. The Department is striving to ensure that the public has ample opportunity to comment on the Draft EIS. I hope the additional hearing in California addresses your concerns and those of your constituents.

If you have any questions or additional concerns, please call me or have a member of your staff contact John C. Angell, Assistant Secretary for Congressional and Intergovernmental Affairs, at 202–586–5450.

Yours sincerely,

BILL RICHARDSON.

BOARD OF SUPERVISORS
COUNTY OF SAN BERNARDINO,
San Bernardino, CA, January 12, 2000.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: The Board of Supervisors unanimously approved [a] resolution at our meeting yesterday. It expresses our substantial concern over the lack of notification from the Department of Energy with regard to their plans to transport thousands of shipments of high-level radioactive waste through the major cities of our County.

The only hearing held in this State took place in a remote area hundreds of miles from our major population centers. In addition we were not provided with any official notification of the Issuance of the Environmental Impact Statement nor were we provided a copy of same.

While we understand that transportation and storage/disposal of this material is essential for operation of various facilities, it is only appropriate that the jurisdictions which will be recipient of the majority of these shipments be given notice and response opportunities.

We ask for your strong support for our request to the Department of Energy for full disclosure, additional time for response and review, and for a public hearing to be held in our area. The hearing should be held somewhere near the population centers which will be subject to these shipments and the potential dangers imposed thereby.

We appreciate your serious consideration of this request.

Sincerely.

JERRY EAVES,
Supervisor, Fifth District.

COUNTY OF VENTURA,
February 1, 2000.

Hon. BARBARA BOXER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BOXER: I am writing to reiterate the Ventura County Board of Supervisors' opposition to S. 1287, the Nuclear Waste Policy Amendments of 1999, which, as currently written, would allow spent nuclear fuel and radioactive waste to be transported through Ventura County.

The Board of Supervisors endorses the development of a national policy for the transportation of spent nuclear fuel. However, the Board opposes transporting these material through Ventura County. County officials and residents are concerned about the proximity of the Diablo Canyon Nuclear Power Plant in San Luis Obispo County and the vulnerability to potential disasters related to the transportation of hazardous materials through the community, which poses serious health and safety risks to County residents.

Please vote against S. 1287 unless it is amended to prohibit the transportation of spent nuclear fuel and radioactive waste through Ventura County and other heavily populated areas.

Sincerely yours,

THOMAS P. WALTERS,
Washington Representative.

COUNTY OF INYO,
Independence, CA, February 1, 2000.

Hon. BARBARA BOXER,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR SENATOR BOXER, I am writing to express concern with S. 1287, the Nuclear Waste Policy Amendments Act of 1999. S. 1287 proposes to abandon current specific DOE guidelines for determining the suitability of Yucca Mountain, Nevada (for siting of a nuclear waste repository) in lieu of less-demanding, generalized criteria. S. 1287 also removes the role of the Environmental Protection Agency from determining the human health standard to which repository design and operations should be held.

S. 1287, as it currently stands, would replace DOE's current and specific site suitability criteria (10 CFR 960—adopted in 1986 after considerable public input) with a generalized ''total system performance assessment'' approach (proposed in 10 CFR 963) which does not require the site to meet specific criteria with regard to site geology and hydrology or waste packet performance. Replacement of the current site suitability criteria by 10 CFR 963 would reduce the likelihood that the repository would be designed and constructed using the best available technology. Individual components of the repository system could be less than optimal in design and performance if computer modeling of the design showed it capable of meeting NRC's less-demanding standard. Given the significant long-term risk that development of the repository places on California populations and resources, any compromises on repository design, operations or materials cannot be tolerated.

S. 1287 allows the Nuclear Regulatory Commission to set a standard for protection of the public from radiological exposure associated with development of the repository. The power to set a standard for the Yucca Mountain project rightfully belongs with the EPA in its traditional role of setting health standards for Federal projects. In our recent response to EPA's proposed radiological health standard for the repository, Inyo County stated its strong support for EPA authority over the project and for use of a standard which focuses on maintaining the safety of groundwater in the Yucca Mountain-Amargosa Valley-Death Valley region.

Based on these considerations, S. 1287 will not provide adequate protection for Inyo County resources or citizens. We hope that the provisions in the bill for setting repository standards and for changing the site suitability guidelines will be deleted.

We appreciate your continued support of Inyo County's efforts to safeguard the health and safety of its citizens.

Sincerely,

MICHAEL DORAME,
Supervisor, Fifth District, County of Inyo.

CALIFORNIA ENERGY COMMISSION,
Sacramento, CA, February 7, 2000.

Hon. BARBARA BOXER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BOXER: We have reviewed S. 1287 (Nuclear Waste Policy Amendments Act of 2000) (NWPA) and offer the following comments.

The State of California, including thirteen California agencies, has reviewed the Department of Energy's (DOE) Draft Environmental Impact Statement (DEIS) for the proposed Yucca Mountain High-Level Nuclear Waste Repository. This review, coordinated by the California Energy Commission, identified major areas of deficiencies and scientific uncertainties in the DEIS regarding potential transportation and groundwater impacts in California from the repository. In light of these deficiencies and uncertainties, there are serious questions whether a decision should/can be made on the Yucca Mt. site's suitability in time for shipments to begin in 2007, as required by S. 1287.

These deficiencies and uncertainties include the need for better data and more realistic models to evaluate groundwater flow and potential radionuclide migration toward regional groundwater supplies in eastern California. In addition, there are major scientific uncertainties regarding key variables affecting how well geologic and engineered barriers at the repository can isolate the wastes from the environment. For example, there is considerable uncertainty regarding waste package corrosion rates, potential water seepage through the walls of the repository, groundwater levels and flow beneath the repository, and the potential impact on California aquifers from the potential migration of radionuclides from the repository. California is concerned about these uncertainties and deficiencies in studies of the Yucca Mt. project and the serious lack of progress in DOE's developing transportation plans for shipments to the repository.

Potential major impacts in California from the proposed repository include: (1) transportation impacts, (2) potential radionuclide contamination of groundwater in the Death Valley region, and (3) impacts on wildlife, natural habitat and public parks along shipment corridors and from groundwater contamination. Transportation is the single area of the proposed Yucca Mt. project that will affect the most people across the United States, since the shipments will be traveling cross-country on the nation's highways and railways. California is a major generator of spent nuclear fuel and currently stores this waste at four operating commercial nuclear power reactors, three commercial reactors being decommissioned, and at five research reactor locations throughout the State. Under current plans, spent nuclear fuel shipments from California reactors will begin the first year of shipments to a repository or storage facility.

In addition to the spent fuel generated in California, a major portion of the shipments from other states to the Yucca Mountain site could be routed through California. This concern was elevated recently when DOE decided, over the objections of California and Inyo and San Bernardino Counties, to reroute through southeastern California, along California Route 127, thousands of low-level waste shipments from eastern states to the Nevada Test Site, in order to avoid nuclear waste shipments through Las Vegas and over Hoover Dam. We objected to DOE's rerouting these shipments over California Route 127 because this roadway was not engineered for such large volumes of heavy truck traffic, lacks timely emergency response capability, is heavily traveled by tourists, and is subject to periodic flash flooding. We are concerned that S. 1287, by requiring that shipments minimize transport through heavily populated areas, could force NWPA shipments onto roadways in California, such as State Route 127, that are not suitable for such shipments.

The massive scale of these shipments to the repository or interim storage site will be unprecedented. Nevada's preliminary estimates of potential legal-weight truck shipments to Yucca Mountain show that an estimated 74,000 truck shipments, about three-fourths of the total, could traverse southern California under DOE's ''mostly truck'' scenario. Shipments could average five truck shipments daily through California during the 39-year time period of waste emplacement. Under a mixed truck and rail scenario, California could receive an average of two truck shipments per day and 4–5 rail shipments per week for 39 years. Under a ''best case'' scenario that assumes the use of large rail shipping containers, Nevada estimates there could be more than 26,000 truck shipments and 9,800 shipments through California to the repository.

We are concerned that S. 1287 would require that NWPA shipments begin prematurely before the necessary studies determining the site's suitability have been completed and before the transportation impacts of this decision have been fully evaluated. S. 1287 accelerates the schedule for the repository by requiring shipments to begin at the earliest practicable date and no later than January 31, 2007. In contrast, DOE has been planning for shipments to begin in 2010, a date considered by many to be overly optimistic. Shipping waste to a site before the necessary scientific evaluations of the site have been completed and before route-specific transportation impacts have been fully evaluated could have costly results. The DOE nuclear weapons complex has many examples of inappropriate sites where expediency has created a legacy of very costly waste clean-up, e.g., Hanford, Washington. The use of methods that were not fully tested for the storage and disposal of nuclear wastes has resulted in contaminants from these wastes leaking into the environment. Transporting waste to a site, as mandated by S. 1287, before the appropriate analyses are completed could create a ''de facto'' high-level waste repository in perpetuity with unknown and potentially serious long-term public and environmental consequences.

Sincerely,

ROBERT A. LAURIE,
Commissioner and State Liaison Officer to the Nuclear Regulatory Commission.

WHY NUCLEAR WASTE WON'T GO TO SOUTH CAROLINA

Mr. HOLLINGS. I would like to inquire of the manager whether it is possible for any spent nuclear fuel to go to South Carolina under the provisions of Section 102, ''Backup Storage Capacity'' of the manager's substitute amendment.

Mr. MURKOWSKI. Absolutely not. Spent nuclear fuel cannot go to South Carolina under the specific terms of the amendment's Backup Storage Capacity provisions, which states that the government shall: ''* * * transport such spent fuel to, and store such spent fuel at, the repository site. * * *'' That site is Yucca Mountain, Nevada.

Mr. HOLLINGS. I thank the manager.

Mr. MURKOWSKI. Mr. President, what is the remaining time on this side?

The PRESIDING OFFICER. Five minutes.

Mr. MURKOWSKI. Mr. President, as this debate comes to an end, I think it appropriate to respond to my friend from New Mexico relative to what I understand he said—that he had not seen a real letter from the Governors opposing taking title. I don't know whether the White House will not make that available, but we have it here. I will be happy to share it with him. I will put it in the RECORD because it shows all the signatures of all the Governors:

The Honorable Howard Dean, Governor of Vermont; the Honorable Jeb Bush, Governor of Florida; the Honorable Angus King, Jr., Governor of Maine; the Honorable John Kitzhaber, Governor of Oregon; the Honorable Jeanne Shaheen, Governor of New Hampshire; the Honorable Jesse Ventura, Governor of Minnesota; and the Honorable Tom Vilsack, Governor of Iowa.

There are more coming, I am told. I hope we can put that particular criticism to rest.

This is not an imaginary letter. This a letter from the Governors objecting, if you will, to the situation of leaving the waste in their States for the specific reason that they don't trust the Federal Government. The reason they do not trust the Federal Government is the Federal Government has not performed on its contract after taking $15 billion from the ratepayers to take the waste. They are fearful that the waste will stay in their States under the control of the Federal Government. That is a legitimate concern.

Again, I refer to the chart of where that waste is. It is in those 40 States. It is in 40 States, and each Member is going to have to respond as to why they voted to leave that waste in their State.

We have had questions brought up about the land in Nevada. It is kind of fuzzy because this is beneficial to Nevada. Now they are saying they did not have any notice and they don't have the maps. The maps are in our office. We have them for the counties. I am sure the minority could get them. I am sure the two Senators from Nevada could get the maps of their own counties. We have them in our office, in fact, and I will try to get them in the RECORD so they can see them.

As far as the land transfer is concerned, it has always been in previous bills. These are smokescreens. Our friends from Nevada are trying to explain why this isn't a good deal. They wanted it. It is there. Now they are saying: Well, just wait a minute; we don't have the facts. We have them. They are there and available for anybody. The land transfer is authorized in the previous bills. Let's not beat around the bush.

In the remaining time I have, I want to highlight what this bill really accomplishes.

I think the minority ranking member would recognize that we have tried to work with him on his list of alternatives. We addressed his concern on the interim storage. Our bill uses the WIPP transportation model. EPA has the sole authority to set the standard. We took out the international collaboration in transmutation which they wanted. We couldn't take everything, but we certainly tried.

This is a valuable piece of legislation as it stands because we have in this substitute dropped the interim storage. Isn't this kind of ironic? We dropped the interim storage. The administration was opposed to the interim storage in Nevada. The idea was that we could move this stuff out at a critical time and put it out there. They said: No, we can't do that until Yucca is finalized—until it is finally licensed. But now they are doing it twice. They are having it both ways. They are saying we will just leave it in the State. Then it becomes interim in the State. These Governors are smart enough to figure it out. I hope every Member of this body is because it is a flimflam. That is just what it is.

The administration wants to have it both ways. They do not want interim storage. They want the interim storage in the States. It drops interim storage.

It requires Congress to approve any increase in fees to protect the consumer. It sets schedules for development of a repository. It authorizes backup storage at the repository for any spent fuel that the utilities can't store on site. It allows the EPA to set radiation standards after June 1, 2001; prior to that consultation only with NAS and NRC, to ensure that any standard is the best science available.

What in the world is wrong with that?

It authorizes settlement agreements for outstanding litigation. It requires an election to settle within 180 days as requested by the administration. In other words, it brings them together.

Finally, it transfers 76,000 acres.

Let me conclude by saying that each Member is going to have to respond as to why they left this waste in their State if they don't support this bill. I encourage my colleagues to recognize that it is time to bring this matter to an end. Let's support the legislation.

I yield the floor.

Mr. BINGAMAN. Mr. President, I yield 1 minute to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair. I thank the Senator from New Mexico.

Mr. President, let me respond to the map issue. I think the Senator from Alaska characterized it as ''flimflam.'' That is what this legislation is. As recently as yesterday, in requesting the maps, they had none. The only thing they have is these notes right here. I ask unanimous consent that they be printed in the RECORD.

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

PAYMENTS TO LOCAL COUNTIES ELIMINATED

Annual payments prior to first receipt of fuel: 2.5 million/year $12.5.

Upon 1st fuel receipt: 5 million/one time 5.0.

Annual payments after 1st receipt until closure: $5 million/year (2007–2042 125 million.)

Total—Over 140 million up to 2042 then 5 million/year after that.

LAND CONVEYANCES RETAINED

Total of: 76,000 acres.
46,000 to Nye County.
30,000 to Lincoln County.
For a variety of uses: For example—
City of Caliente:
Municipal landfill (240 acres).
Community growth (2,640 acres).
Community recreation (800 acres).
Lincoln County
Community Growth:
Pioche—2,080 acres.
Panaca—2,240 acres.
Rachel—1,280 acres.
Alamo—1,920 acres.

These lands had been previously identified by BLM as available for disposal.

Towns:
Beatty—3,400 acres.
Ione—1,280 acres.
Manhattan—750 acres.
Round Mountain/Smokey Valley—11,300 acres.
Tonopah—11,500 acres.
Total estimated 28,230 acres.
Towns:
Amargosa—2,700 acres.
Pahrump—14,750 acres.
Total estimated 17,450 acres.
BLM/Grand Total: 45,680 acres.

Western Members should be pleased about this kind of transfer of public lands from federal ownership.

There are lots of benefits to doing these kinds of transfers:

Long term financial benefits are:
Decrease federal mgmt costs;
Increase State & local benefits;

The land can now be used for income providing activities.

Such transfers help consolidate land ownership and that leads to a more cost-effective and environmentally sound ecosystem management.

Mr. BRYAN. Mr. President, there are no maps.

That will give you some indication of what a shoddy, moving target this has been as we have tried to debate and expand on it. It is simply indefensible public policy.

I urge my colleagues to vote against it.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Two and one-half minutes.

Mr. BINGAMAN. Mr. President, let me take the remaining time to commend our chairman, Senator MURKOWSKI, for his heroic efforts in trying

to come up with legislation that would be constructive and deal with this problem. This is not an easy issue to resolve. There are many points of view.

First, the subject is complex. The history of the legislation is certainly varied and difficult.

I certainly believe the chairman has worked in good faith to try to come up with a solution. As I stated several times this morning, I do not believe he has been successful in that regard.

I am not able to support the bill.

I think there is a lot of confusion that has surrounded our debate here on the floor. As to the whole notion that the Governors are fearful that waste would wind up remaining in their States if they did not drop this take title provision, I can say if they are worried that waste will remain, they have good grounds to be worried because it is going to remain in their States. Under current law, and under this legislation, if this legislation becomes law, the waste will remain in their States. The only question is, who is going to have ownership and responsibility for that waste.

We had proposed that the Department of Energy be given ownership and responsibility. We believe that would, if anything, desensitize the Department to move ahead more quickly on Yucca Mountain. I believe that is clearly the case.

The notion that anybody who opposes this bill is going to have to explain why they want waste to remain in their States is not the issue on which we are voting. Waste is going to remain in each of the States where it is now located unless and until we get the Yucca Mountain site characterized. I hope we do that quickly. I am doing all I can to support doing that quickly. I believe the waste should be moved to a permanent repository. I think that is clearly where we need to head. But the notion that this problem is going to be somehow solved by passing this bill is just not supported by anything. There is no logic to that.

We can pass this bill. This bill can be signed by the President. You can wind up 5 years from now trying to explain to people in your State why the waste is still sitting there because it is going to be there in 5 years regardless.

I think people need to understand that there is much less here than meets the eye. As far as this legislation is concerned, anyone who thinks this legislation is going to put any problem behind them is going to be sorely disappointed down the road. In fact, I think the problems will be compounded if we enact this legislation and it were to become law.

I urge colleagues to oppose the bill and I yield the floor.

The PRESIDING OFFICER. All time has expired. Under the previous order, the hour of 11 a.m. having arrived, the substitute amendment, No. 2808, is agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass? 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) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''no.''

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—64

Abraham	Gramm	McConnell
Allard	Grams	Murkowski
Ashcroft	Grassley	Murray
Bennett	Gregg	Nickles
Bond	Hagel	Robb
Breaux	Hatch	Roberts
Brownback	Helms	Roth
Bunning	Hollings	Santorum
Burns	Hutchinson	Sessions
Cleland	Hutchison	Shelby
Cochran	Inhofe	Smith (NH)
Collins	Jeffords	Smith (OR)
Coverdell	Kerrey	Snowe
Craig	Kohl	Specter
Crapo	Kyl	Stevens
DeWine	Landrieu	Thomas
Domenici	Leahy	Thompson
Enzi	Levin	Thurmond
Fitzgerald	Lincoln	Voinovich
Frist	Lott	Warner
Gorton	Lugar	
Graham	Mack	

NAYS—34

Akaka	Dodd	Mikulski
Baucus	Dorgan	Moynihan
Bayh	Durbin	Reed
Biden	Edwards	Reid
Bingaman	Feingold	Rockefeller
Boxer	Feinstein	Sarbanes
Bryan	Harkin	Schumer
Byrd	Inouye	Torricelli
Campbell	Johnson	Wellstone
Chafee, L.	Kerry	Wyden
Conrad	Lautenberg	
Daschle	Lieberman	

NOT VOTING—2

Kennedy	McCain

The bill (S. 1287), as amended, was passed, as follows:

S. 1287

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 ''Nuclear Waste Policy Amendments Act of 2000''.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''contract holder'' means a party to a contract with the Secretary of Energy for the disposal of spent nuclear fuel or high-level radioactive waste entered into pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)); and

(2) the terms ''Administrator'', ''civilian nuclear power reactor'', ''Commission'', ''Department'', ''disposal'', ''high-level radioactive waste'', ''Indian tribe'', ''repository'', ''reservation'', ''Secretary'', ''spent nuclear fuel'', ''State'', ''storage'', ''Waste Fund'', and ''Yucca Mountain site'' shall have the meanings given such terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

TITLE I—STORAGE AND DISPOSAL

SEC. 101. PROGRAM SCHEDULE.

(a) IN GENERAL.—The President, the Secretary, and the Nuclear Regulatory Commission shall carry out their duties under this Act and the Nuclear Waste Policy Act of 1982 by the earliest practicable date consistent with the public interest and applicable provisions of law.

(b) MILESTONES.—(1) The Secretary shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the President by December 31, 2001;

(2) The President shall make a final decision whether to recommend the Yucca Mountain site for development of the repository to the Congress by March 31, 2002;

(3) The Nuclear Regulatory Commission shall make a final decision whether to authorize construction of the repository by January 31, 2006; and

(4) As provided in subsection (c), the Secretary shall begin receiving waste at the repository site at the earliest practicable date and no later than eighteen months after receiving construction authorization from the Nuclear Regulatory Commission.

(c) RECEIPT FACILITIES.—(1) As part of the submission of an application for a construction authorization pursuant to section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)), the Secretary shall apply to the Commission to receive and possess spent nuclear fuel and high-level radioactive waste at surface facilities within the geologic repository operations area for the receipt, handling, packaging, and storage prior to emplacement.

(2) As part of the issuance of the construction authorization under section 114(b) of the Nuclear Waste Policy Act of 1982, the Commission shall authorize construction of surface facilities described in subsection (c)(1) and the receipt and possession of spent nuclear fuel and high-level radioactive waste at such surface facilities within the geologic repository operations area for the purposes in subsection (c)(1), in accordance with such standards as the Commission finds are necessary to protect the public health and safety.

SEC. 102. BACKUP STORAGE CAPACITY.

(a) Subject to section 105(d), the Secretary shall enter into a contract under this subsection with any person generating or owning spent nuclear fuel that meets the requirements of section 135(b)(1) (A) and (B) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10155(b)(1) (A) and (B)) to—

(1) take title at the civilian nuclear power reactor site to such amounts of spent nuclear fuel from the civilian nuclear power reactor as the Commission determines cannot be stored onsite; and

(2) transport such spent nuclear fuel to, and store such spent nuclear fuel at, the repository site after the Commission has authorized construction of the repository without regard to the Secretary's Acceptance Priority Ranking report or Annual Capacity report.

SEC. 103. REPOSITORY LICENSING.

(a) ADOPTION OF STANDARDS.—Notwithstanding the time schedule in section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note), the Administrator shall not publish or adopt public health and safety standards for the protection of the public from releases from radioactive materials stored or disposed of in the repository at the Yucca Mountain site—

(1) except in accordance with this section; and

(2) before June 1, 2001.

(b) CONSULTATION AND REPORTS TO CONGRESS.—(1) Not later than 30 days after the enactment of this Act, the Administrator shall provide the Commission and the National Academy of Sciences—

(A) a detailed written comparison of the provisions of the proposed Environmental Protection Standards for Yucca Mountain, Nevada, published in the Federal Register on August 27, 1999 (64 Fed. Reg. 46,975) with the recommendations made by the National Academy of Sciences in its report, Technical Bases for Yucca Mountain Standards, pursuant to section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note); and

(B) the scientific basis for the proposed rule.

(2) Not later than April 1, 2001, the Commission and the National Academy of Sciences shall, based on the proposed rule and the information provided by the Administrator under paragraph (1), each submit a report to Congress on whether the proposed rule—

(A) is consistent with section 801(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note);

(B) provide a reasonably expectation that the public health and safety and the environment will be adequately protected from the hazards posed by high-level radioactive waste and spent nuclear fuel disposed of in the repository;

(C) is based on the best reasonably obtainable scientific and technical information concerning the need for, and consequences of, the rule; and

(D) imposes the least burden, consistent with obtaining the regulatory objective of protecting the public health and safety and the environment.

(3) In the event that either the Commission or the National Academy of Sciences finds that the proposed rule does not meet one or more of the criteria listed in paragraph (2), it shall notify the Administrator not later than April 1, 2001 of its finding and the basis for such finding.

(c) APPLICATION OF CONGRESSIONAL REVIEW PROCEDURES.—Any final rule promulgated under section 801(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) shall be treated as a major rule for purposes of chapter 8 of title 5, United States Code, and shall be subject to all the requirements and procedures pertaining to a major rule in such chapter.

(d) CAPACITY.—Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking ''The Commission decision approving the first such application . . .'' through the period at the end of the sentence.

SEC. 104. NUCLEAR WASTE FEE.

The last sentence of section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is amended to read as follows: ''The adjusted fee proposed by the Secretary shall be effective upon enactment of a joint resolution or other provision of law specifically approving the adjusted fee.''.

SEC. 105. SETTLEMENT AGREEMENTS.

(a) IN GENERAL.—The Secretary may, upon the request of any person with whom he has entered into a contract under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), enter into a settlement agreement with the contract holder to—

(1) relieve any harm caused by the Secretary's failure to meet the Department's commitment, or

(2) settle any legal claims against the United States arising out of such failure.

(b) TYPES OF RELIEF.—Pursuant to a settlement agreement entered into under this section, the Secretary may—

(1) provide spent nuclear fuel storage casks to the contract holder;

(2) compensate the contract holder for the cost of providing spent nuclear fuel storage at the contract holders' storage facility; or

(3) provide any combination of the foregoing.

(c) SCOPE OF RELIEF.—The Secretary's obligation to provide the relief under subsection (b) shall not exceed the Secretary's obligation to accept delivery of such spent fuel under the terms of the Secretary's contract with such contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), including any otherwise permissible assignment of rights.

(d) WAIVER OF CLAIMS.—(1) The Secretary may not enter into a settlement agreement under subsection (a) or (f) or a backup contract under section 102(a) with any contract holder unless the contract holder—

(A) notifies the Secretary within 180 days after the date of enactment of this Act of its intent to enter into a settlement negotiations, and

(B) as part of such settlement agreement or backup contract, waives any claim for damages against the United States arising out of the Secretary's failure to begin disposing of such person's high-level waste or spent nuclear fuel by January 31, 1998.

(2) Nothing in this subsection shall be read to require a contract holder to waive any future claim against the United States arising out of the Secretary's failure to meet any new obligation assumed under a settlement agreement or backup storage agreement, including any obligation related to the movement of spent fuel by the Department.

(e) SOURCE OF FUNDS.—Notwithstanding section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)), the Secretary may not make expenditures from the Nuclear Waste Fund for any costs that may be incurred by the Secretary pursuant to a settlement agreement or backup storage contract under this Act except—

(1) the cost of acquiring and loading spent nuclear fuel casks;

(2) the cost of transporting spent nuclear fuel from the contract holder's site to the repository; and

(3) any other cost incurred by the Secretary required to perform a settlement agreement or backup storage contract that would have been incurred by the Secretary under the contracts entered into under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) notwithstanding their amendment pursuant to this Act.

(f) REACTOR DEMONSTRATION PROGRAM.—(1) Not later than 120 days after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, and notwithstanding Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Secretary is authorized to take title to the spent nuclear fuel withdrawn from the demonstration reactor remaining from the Cooperative Power Reactor Demonstration Program (Pub. L. No. 87–315, Sec. 109, 75 Stat. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor. Immediately upon the Secretary's taking title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage, from the date of taking title until the Secretary removes the spent nuclear fuel from the Dairyland Power Cooperative La Crosse Boiling Water Reactor site. The Secretary's obligation to take title or compensate the holder of the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel under this subsection shall include all of such fuel, regardless of the delivery commitment schedule for such fuel under the Secretary's contract with the Dairyland Power Cooperative as the contract holder under Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or the acceptance schedule for such fuel under section 106 of this Act.

(2) As a condition to the Secretary's taking of title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the contract holder for such fuel shall enter into a settlement agreement containing a waiver of claims against the United States as provided in this section.

(g) SAVINGS CLAUSE.—(1) Nothing in this section shall limit the Secretary's existing authority to enter into settlement agreements or address shutdown reactors and any associated public health and safety or environmental concerns that may arise.

(2) Nothing in this Act diminishes obligations imposed upon the Federal Government by the United States District Court of Idaho in an order entered on October 17, 1995 in United States v. Batt (No. 91–0054–S–EJL). To the extent this Act imposes obligations on the Federal Government that are greater than those imposed by the court order, the provisions of this Act shall prevail.

SEC. 106. ACCEPTANCE SCHEDULE.

(a) PRIORITY RANKING.—Acceptance priority ranking shall be determined by the Department's ''Acceptance Priority Ranking'' report.

(b) ACCEPTANCE RATE.—As soon as practicable after construction authorization, but no later than eighteen months after the year of issuance of a license to receive and possess spent nuclear fuel and high-level radioactive waste under section 101(c), the Secretary's total acceptance rate for all spent nuclear fuel and high-level waste shall be a rate no less than the following as measured in metric tons uranium (MTU), assuming that each high-level waste canister contains 0.5 MTU: 500 MTU in year 1, 700 MTU in year 2, 1,300 MTU in year 3, 2,100 MTU in year 4, 3,100 MTU in year 5, 3,300 MTU in years 6, 7, and 8, 3,400 MTU in years 9 through 24, and 3,900 MTU in year 25 and thereafter.

(c) OTHER ACCEPTANCES.—Subject to the conditions contained in the license to receive and possess spent nuclear fuel and high-level radioactive waste issued under section 101(c), of the amounts provided for in paragraph (b) for each year, not less than one-sixth shall be—

(1) spent nuclear fuel or civilian high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act Amendments of 2000;

(2) spent nuclear fuel from foreign research reactors, as necessary to promote nonproliferation activities; and

(3) spent nuclear fuel and high-level radioactive waste from research and atomic energy defense activities, including spent nuclear fuel from naval reactors:

Provided, however, That the Secretary shall accept not less than 7.5 percent of the total quantity of fuel and high-level radioactive waste accepted in any year from the categories of radioactive materials described in paragraphs (2) and (3) in subsection (c). If sufficient amounts of radioactive materials are not available to utilize this allocation, the Secretary shall allocate this acceptance capacity to other contract holders.

(d) EFFECT ON SCHEDULE.—The contractual acceptance schedule shall not be modified in any way as a result of the Secretary's acceptance of any material other than contract holders' spent nuclear fuel and high-level radioactive waste.

(e) MULTI-YEAR SHIPPING CAMPAIGNS.—Consistent with the acceptance schedule, the Secretary shall, in conjunction with contract holders, define a specified multi-year period for each shipping campaign and establish criteria under which the Secretary could accept contract holders' cumulative allocations of spent nuclear fuel during the campaign period at one time and thereby enhance the efficiency and cost-effectiveness of spent nuclear fuel and high-level waste acceptance.

SEC. 107. INITIAL LAND CONVEYANCES.

(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, County of Lincoln, or the City of Caliente, Nevada, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

(b) SPECIAL CONVEYANCES.—Subject to valid existing rights and notwithstanding any other law, the Secretary of the Interior or the head of the other appropriate agency shall convey:

(1) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: Proposed Pahrump Industrial Park Site

Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

Map 3: Pahrump Landfill Sites

Map 4: Amargosa Valley Regional Landfill Site

Map 5: Amargosa Valley Municipal Landfill Site

Map 6: Beatty Landfill/Transfer Station Site

Map 7: Round Mountain Landfill Site

Map 8: Tonopah Landfill Site

Map 9: Gabbs Landfill Site.

(2) To the County of Nye, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: Beatty

Map 2: Ione/Berlin

Map 3: Manhattan

Map 4: Round Mountain/Smoky Valley

Map 5: Tonopah

Map 6: Armargosa Valley

Map 7: Pahrump.

(3) To the County of Lincoln, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 2: Lincoln County, Parcel M, Industrial Park Site, Jointly with the City of Caliente

Map 3: Lincoln County, Parcels F and G, Mixed Use, Industrial Sites

Map 4: Lincoln County, Parcels H and I, Mixed Use and Airport Expansion Sites

Map 5: Lincoln County, Parcels J and K, Mixed Use, Airport and Landfill Expansion Sites

Map 6: Lincoln County, Parcels E and L, Mixed Use, Airport and Industrial Expansion Sites.

(4) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Parcels A, B, C and D, Community Growth, Landfill Expansion and Community Recreation Sites

Map 2: City of Caliente, Parcel M, Industrial Park Site, Jointly with Lincoln County.

(5) To the City of Caliente, Nevada, the following public lands depicted on the maps dated February 1, 2000, and on file with the Secretary:

Map 1: City of Caliente, Industrial Park Site Expansion.

(c) CONSTRUCTION.—The maps and legal descriptions of special conveyance referred to in subsection (b) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

(d) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Lincoln or the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

(e) CONSENT.—(1) The acceptance or use of any of the benefits provided under this title by any affected unit of local government shall not be deemed to be an expression of consent, express or implied, either under the Constitution of the State of Nevada or any law thereof, to the siting of the repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

(2) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, in response to any decision by the State of Nevada, to oppose the siting in Nevada of the repository premised upon or related to the acceptance or use of benefits under this title.

(3) LIABILITY.—No liability of any nature shall accrue to be asserted against the State of Nevada, its Governor, any official thereof, or any official of any governmental unit thereof, premised solely upon the acceptance or use of benefits under this title.

TITLE II—TRANSPORTATION

SEC. 201. TRANSPORTATION.

Section 180 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10175) is amended to read as follows:

''TRANSPORTATION

''SEC. 180. (a) IN GENERAL.—The transportation of spent nuclear fuel and high-level radioactive waste from any civilian nuclear power reactor to any other civilian nuclear power reactor or to any Department of Energy Facility, by or for the Secretary, or by or for any person who owns or generates spent nuclear fuel or high-level radioactive waste, shall be subject to licensing and regulation by the Commission and the Secretary of Transportation under all applicable provisions of existing law.

''(1) PREFERRED SHIPPING ROUTES.—The Secretary shall select and cause to be used preferred shipping routes for the transportation of spent nuclear fuel and high level radioactive waste from each shipping origin to the repository in accordance with the regulations promulgated by the Secretary of Transportation under authority of the Hazardous Materials Transportation Act (chapter 51 of title 49, United State Code) and by the Nuclear Regulatory Commission under authority of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.).

''(2) STATE REROUTING.—For purposes of this section, a preferred route shall be an Interstate System highway for which an alternative route is not designated by a State routing agency, or a State-designated route designated by a State routing agency pursuant to section 397.103 of title 49, Code of Federal Regulations.

''(b) SHIPPING CONTAINERS.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages—

''(1) the design of which has been certified by the Commission; and

''(2) that have been determined by the Commission to satisfy its quality assurance requirements.

''(c) NOTIFICATION.—The Secretary shall provide advance notification to States and Indian tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste.

''(d) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—

''(A) STATES AND INDIAN TRIBES.—As provided in paragraph (3), the Secretary shall provide technical assistance and funds to States and Indian tribes for training of public safety officials or appropriate units of State, local, and tribal government. A State shall allocate to local governments within the State a portion of any funds that the Secretary provides to the State for technical assistance and funding.

''(B) EMPLOYEE ORGANIZATIONS.—The Secretary shall provide technical assistance and funds for training directly to nonprofit employee organizations, voluntary emergency response organizations, and joint labor-management organizations that demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste or emergency response or post-emergency response with respect to such transportation.

''(C) TRAINING.—Training under this section—

''(i) shall cover procedures required for safe routine transportation of materials and procedures for dealing with emergency response situations;

''(ii) shall be consistent with any training standards established by the Secretary of Transportation under subsection (h); and

''(iii) shall include—

''(I) a training program applicable to persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste;

''(II) instruction of public safety officers in procedures for the command and control of the response to any incident involving the waste; and

''(III) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving spent nuclear fuel or high-level radioactive waste being transported.

''(2) NO SHIPMENTS IF NO TRAINING.—

''(A) There shall be no shipments by the Secretary of spent nuclear fuel and high-level radioactive waste through the jurisdiction of any State or the reservation lands of any Indian tribe eligible for grants under paragraph (3)(B) to the repository until the Secretary has made a determination that personnel in all State, local, and tribal jurisdictions on primary and alternative shipping

routes have met acceptable standards of training for emergency responses to accidents involving spent nuclear fuel and high-level radioactive waste, as established by the Secretary, and unless technical assistance and funds to implement procedures for the safe routine transportation and for dealing with emergency response situations under paragraph (1)(A) have been available to a State or Indian tribe for at least 3 years prior to any shipment: *Provided, however,* That the Secretary may ship spent nuclear fuel and high-level radioactive waste if technical assistance or funds have not been made available because of—

''(i) an emergency, including the sudden and unforeseen closure of a highway or rail line or the sudden and unforeseen need to remove spent fuel from a reactor because of an accident, or

''(ii) the refusal to accept technical assistance by a State or Indian tribe, or

''(iii) fraudulent actions which violate Federal law governing the expenditure of Federal funds.

''(B) In the event the Secretary is required to transport spent fuel or high-level radioactive waste through a jurisdiction prior to 3 years after the provision of technical assistance or funds to such jurisdiction, the Secretary shall, prior to such shipment, hold meetings in each State and Indian reservation through which the shipping route passes in order to present initial shipment plans and receive comments. Department of Energy personnel trained in emergency response shall escort each shipment. Funds and all Department of Energy training resources shall be made available to States and Indian tribes along the shipping route no later than three months prior to the commencement of shipments: *Provided, however,* That in no event shall such shipments exceed 1,000 metric tons per year: *Provided further,* That no such shipments shall be conducted more than four years after the effective date of the Nuclear Waste Policy Amendments Act of 2000.

''(3) GRANTS.—

''(A) IN GENERAL.—To implement this section, the Secretary may make expenditures from the Nuclear Waste Fund to the extent provided for in appropriation Acts.

''(B) GRANTS FOR DEVELOPMENT OF PLANS.—

''(i) IN GENERAL.—The Secretary shall make a grant of at least $150,000 to each State through the jurisdiction of which and each federally recognized Indian tribe through the reservation lands of which one or more shipments of spent nuclear fuel or high-level radioactive waste will be made under this Act for the purpose of developing a plan to prepare for such shipments.

''(ii) LIMITATION.—A grant shall be made under clause (i) only to a State or a federally recognized Indian tribe that has the authority to respond to incidents involving shipments of hazardous material.

''(C) GRANTS FOR IMPLEMENTATION OF PLANS.—

''(i) IN GENERAL.—Annual implementation grants shall be made to States and Indian tribes that have developed a plan to prepare for shipments under this Act under subparagraph (B). The Secretary, in submitting the annual departmental budget to Congress for funding of implementation grants under this section, shall be guided by the State and tribal plans developed under subparagraph (B). As part of the Department of Energy's annual budget request, the Secretary shall report to Congress on—

''(I) the funds requested by States and federally recognized Indian tribes to implement this subsection;

''(II) the amount requested by the President for implementation; and

''(III) the rationale for any discrepancies between the amounts requested by States and federally recognized Indian tribes and the amounts requested by the President.

''(ii) ALLOCATION.—Of funds available for grants under this subparagraph for any fiscal year—

''(I) 25 percent shall be allocated by the Secretary to ensure minimum funding and program capability levels in all States and Indian tribes based on plans developed under subparagraph (B); and

''(II) 75 percent shall be allocated to States and Indian tribes in proportion to the number of shipment miles that are projected to be made in total shipments under this Act through each jurisdiction.

''(4) AVAILABILITY OF FUNDS FOR SHIPMENTS.—Funds under paragraph (1) shall be provided for shipments to a repository, regardless of whether the repository is operated by a private entity or by the Department of Energy.

''(5) MINIMIZING DUPLICATION OF EFFORT AND EXPENSES.—The Secretaries of Transportation, Labor, and Energy, Directors of the Federal Emergency Management Agency and National Institute of Environmental Health Sciences, the Nuclear Regulatory Commission, and Administrator of the Environmental Protection Agency shall review periodically, with the head of each department, agency, or instrumentality of the Government, all emergency response and preparedness training programs of that department, agency, or instrumentality to minimize duplication of effort and expense of the department, agency, or instrumentality in carrying out the programs and shall take necessary action to minimize duplication.

''(e) PUBLIC INFORMATION.—The Secretary shall conduct a program, in cooperation with corridor States and tribes, to inform the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis on those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste.

''(f) USE OF PRIVATE CARRIERS.—The Secretary, in providing for the transportation of spent nuclear fuel and high-level radioactive waste under this Act, shall contract with private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination by the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at a reasonable cost.

''(g) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Amendments Act of 2000, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the Federal, State and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by section 5126 of title 49, United States Code.

''(h) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of section 20109 of title 49, United States Code (in the case of employees of railroad carriers) and section 31105 of title 49, United States Code (in the case of employees operating commercial motor vehicles), or the Commission (in the case of all other employees).

''(i) TRAINING STANDARD.—

''(1) REGULATION.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Amendments Act of 2000, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

''(2) SECRETARY OF TRANSPORTATION.—If the Secretary of Transportation determines, in promulgating the regulation required by paragraph (1), that existing Federal regulations establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall, by Memorandum of Understanding, ensure coordination of worker training standards and to avoid duplicative regulation.

''(3) TRAINING STANDARDS CONTENT.—(A) If training standards are required to be promulgated under paragraph (1), such standards shall, among other things deemed necessary and appropriate by the Secretary of Transportation, provide for—

''(i) a specified minimum number of hours of initial offsite instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

''(ii) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

(iii) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

''(B) The Secretary of Transportation may specify an appropriate combination of knowledge, skills, and prior training to fulfill the minimum number of hours requirements of clauses (i) and (ii).

''(4) EMERGENCY RESPONDER TRAINING STANDARDS.—The training standards for persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear and high-level radioactive waste shall, in accordance with existing regulations, ensure their ability to protect nearby persons, property, or the environment from the effects of accidents involving spent nuclear fuel and high-level radioactive waste.

''(5) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.''.

TITLE III—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

SEC. 301. FINDINGS.

(a) Prior to permanent closure of the geologic repository in Yucca Mountain, Congress must determine whether the spent fuel in the repository should be treated as waste subject to permanent burial or should be

considered an energy resource that is needed to meet future energy requirements.

(b) Future use of nuclear energy may require construction of a second geologic repository unless Yucca Mountain can safely accommodate additional spent fuel. Improved spent fuel strategies may increase the capacity of Yucca Mountain.

(c) Prior to construction of any second permanent geologic repository, the nation's current plans for permanent burial of spent fuel should be re-evaluated.

SEC. 302. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) ESTABLISHMENT.—There is hereby established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy. The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

(b) ASSOCIATE DIRECTOR.—The Associate Director of the Office of Spent Nuclear Fuel Research shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office shall report to the Director of the Office of Nuclear Energy Science and Technology. The first such Associate Director shall be appointed within 90 days of the enactment of the Nuclear Waste Policy Amendments Act of 2000.

(c) GRANT AND CONTRACT AUTHORITY.—In carrying out his responsibilities under this section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in (d)(2).

(d) DUTIES.—(1) The Associate Director of the Office shall involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

(2) The Associate Director of the Office shall—

(A) develop a research plan to provide recommendations by 2015;

(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(C) conduct research and development activities for promising technologies;

(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to the health of the general public or site workers, as well as development of cost-effective technologies;

(E) require research on both reactor- and accelerator-based transmutation systems;

(F) require research on advanced processing and separations;

(G) ensure that research efforts with this Office are coordinated with research on advanced fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.

(e) REPORT.—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit a report to the Congress on the activities and expenditures of the Office that discusses progress being made in achieving the objectives of subsection (b).

TITLE IV—GENERAL AND MISCELLANEOUS

SEC. 401. DECOMMISSIONING PILOT PROGRAM.

(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

SEC. 402. REPORTS.

(a) The Secretary is directed to report within 90 days from enactment of this Act regarding all alternatives available to Northern States Power Company and the Federal Government which would allow Northern States Power Company to operate the Prairie Island Nuclear Generating Plant until the end of the term of its current Nuclear Regulatory Commission licenses, assuming existing State and Federal laws remain unchanged.

(b) Within six months of enactment of this Act, the General Accounting Office is directed to report back to the Senate Committee on Energy and Natural Resources and the House Committee on Commerce on the potential economic impacts to Minnesota, North Dakota, South Dakota, Wisconsin, and Michigan ratepayers should the Prairie Island Nuclear Generating Plant cease operations once it has met its State-imposed storage limitation, including the costs of new generation, decommissioning costs, and the costs of continued operation of onsite storage of spent nuclear fuel storage.

SEC. 403. SEPARABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 404. FAST FLUX TEST FACILITY.

Any spent nuclear fuel associated with the Fast Flux Test Facility at the Hanford Reservation shall be transported and stored at the repository site as soon as practicable after the Commission has authorized the construction of the repository.

Mr. MURKOWSKI. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SANTORUM. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. 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. MURKOWSKI. Mr. President, I certainly want to accommodate the Senator from Massachusetts. I would like to take a moment to thank some of the people who have worked on this legislation.

I take this opportunity to, first of all, compliment the professional staff who prepared a good deal of the material for the debate we just concluded. Andrew Lundquist, who is pretty much the general on the Energy Committee as the chief of staff of the Energy Committee, worked very hard. He had a little difficulty because his wife had a baby in the middle of the debate—a little girl, who joins three young brothers. But I do thank Andrew.

Colleen Deegan, who is on my right, we would not have been able to get as far as we had without her. Other committee staff who helped or others who did not create too many problems are Kelly Johnson, Kristin Phillips, Bryan Hannigan, David Dye, Betty Nevitt, Jim Beirne—who sat here an extended period of time—and Bob Simon and Sam Fowler from the minority. The departed staff member who worked on this for about 5 years is Karen Hunsicker, who worked on it until the end of last year.

While Senator BINGAMAN and I could not agree to resolve all the issues, I compliment him and his staff for working to try to reach an accord on the issue.

I think it is unfortunate we could not bring the administration aboard in a responsible manner, either taking title or without taking title. It is clear this matter will not be resolved on the watch of the Clinton administration. I suspect the Vice President's attitude on this should be known by the public as the campaign progresses.

But nevertheless, I thank my two colleagues from Nevada for the manner in which they nobly represented the interests of their State. That is very important around here. As they know, Senator STEVENS and I have often tried to convince this body that those of us who are elected from an individual State really have the best interests of that State at heart. For the most part, the Members I think should be very sensitive of that fact. That was evidenced in the vote today.

I would like to make one assumption, that where we ended up is where we ended up the last time on this. Although Senator MCCAIN was not here, we can assume he would have voted with us.

Mr. REID. Senator KENNEDY was not here.

Mr. MURKOWSKI. Of course, Senator KENNEDY was not here.

While there were a few changes, we ended up just about where we were the last time. As far as I am concerned, this matter has to rest with the administration for a solution. The Senator from Alaska will not be banging his head against the door to try to solve this Nation's nuclear waste problem until we get from the administration a program that suggests they are going to address the problem with a resolve.

Again, I thank all of those who were involved in the debate. I wish you all a good day as we lament on the reality of this last vote.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

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

Mr. KERRY. Mr. President, I appreciate the recognition, but I do not want to deprive the Senator from Nevada speaking if he wants a brief moment to follow up.

How much time does the Senator wish?

Mr. BRYAN. If the good Senator would yield for a minute?

Mr. KERRY. I ask unanimous consent that I be permitted to yield for 1 minute to the Senator and that then the floor would be returned to me.

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

Mr. BRYAN. I thank the distinguished Senator from Massachusetts.

I wish to respond to the gracious statement by the chairman of the Energy Committee. Although we have had strong differences on this issue, the differences have been professional, not personal. He has been very professional in the way in which he has handled this matter. He has extended us every courtesy. I appreciate that. I think his conduct and deportment reflect the highest traditions of the Senate. I publicly acknowledge that. Even though, in combat, we were forceful in our advocacy, as was he, this is something that is intensely personal to us. The Senator understands that. But I do thank him very much for his graciousness and professionalism.

I yield the floor and thank the Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that I may proceed as in morning business.

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

THE BUDGET

Mr. KERRY. Mr. President, as we approach the budget debate this year, I think it is important for us to take a moment ahead of time to think about the broad outline of what we spend money on and also what we do not spend money on—how we allocate the priorities of this budget—because the budget is, after all, the most concrete, clearest expression of the priorities and intentions of the Congress.

I would like to walk through that for a moment, if I can, and then make a proposal to my colleagues, which I hope might, in the context of this year's surplus and the choices we face, be attractive.

The reality is, of the $1.8 trillion we will spend this year, the largest single expense, as we all know, goes to Social Security. The Federal Government is going to spend $400 billion or 22 percent of the Federal budget on monthly retirement and disability payments for about 45 million Americans who are either senior citizens or disabled.

The second largest commitment will be made to Medicare, nearly $220 billion or 12 percent of the Federal budget, ensuring that virtually every individual over the age of 65 receives health insurance benefits covering hospitalization, physician services, home health care, limited nursing home care, and laboratory tests, and providing health benefits to roughly 5 million disabled people.

In those two expenditures alone, we have spent a little over one-third of our budget on Social Security and Medicare. Of the remaining $1.2 trillion of that budget, we will spend $115 billion or about 6.5 percent of the budget on Medicaid. Those are, obviously, the health care benefits we provide to the least able to afford health insurance. In addition, we will spend about $110 billion or a little over 6 percent of the budget on Federal, civilian, and military retirement and disability benefits as well as veterans benefits.

When you throw in the other mandatory entitlement programs—such as foster care, unemployment compensation, farm price supports, food stamps, and supplemental security income, which is, as everybody knows, an income safety net for the poorest people in America—we then reach over $1 trillion in Federal spending.

This year, of the $1.8 trillion Federal budget, over $1 trillion will go towards the mandatory entitlement programs that, while vitally important, are on autopilot. We are not going to make individual judgments about them except to the degree we decide we need to shore up the Medicare program or shore up the Social Security program. They are basically on autopilot in terms of their existence. The consensus of the Congress wants them; the country wants them. We support them. They don't need to be renewed, and they don't need to be reauthorized. They obviously are not appropriated on an annual basis.

When we talk about the budget that we, as Members of Congress, are going to be dealing with in terms of discretionary spending, where we will make long-term investments, where we have some flexibility, we are dealing with about $800 billion.

All of us understand what happens very quickly to that remaining portion of the budget, to those $800 billion. Two hundred twenty-four billion or 12 percent of the Federal budget will go almost immediately to interest payments on the national debt. We are grateful that having reached the point of having a surplus, and with the President's proposal, we can see an end to the payments of interest on the national debt by the year 2013. But for the moment, 12 percent of the Federal budget this year is going to go to pay interest on the national debt. Those payments are not optional.

Putting that spending aside, we are now left with about one-third of the overall Federal budget or $600 billion which we now can use to cover all other Government functions. But that disappears very quickly. Two hundred eighty-three billion of that budget will be spent on national defense this year, nearly 16 percent of the Federal budget. Another 2.5 percent of the budget will be spent building highways, channeling harbors, financing mass transit, all to a cost of about $45 billion this year. Then you factor in housing assistance, nutrition programs, at a cost of about $42 billion, that is another 12 plus percent of the budget. And less than 2 percent of all the budget will go to health research, public health programs, searching for a cure to cancer, for HIV–AIDS, licensing new drugs for the marketplace, programs to attack teen smoking, services for the mentally ill.

One and a half percent of the budget will go to crime control, putting cops on the street, fighting drug trafficking, and barely 1 percent of the budget will go to foreign aid. Many Americans labor under the perception that somehow foreign aid is this vast proportion of the Federal budget. In fact, foreign aid is a significantly less percentage and real expenditure than it was under Ronald Reagan. I think we spent two or three times as much under Ronald Reagan in foreign affairs than we are spending today, which, I might add, is particularly ironic when you measure the changes in the world and the need for the United States to be more involved, not less involved, in a world that is increasingly globalizing and where we are all feeling the impact and forces of technology.

The point I make to my colleagues today: For what most people agree is the single most important investment we can make in America, there is precious little money remaining. How many of my colleagues in the last years, recognizing the impact of the technology revolution, have come to the floor emphasizing the importance of education in America? We reap the benefits and the deficits of our attention to education in a thousand different ways. When Senators come to the floor and talk about the increasing problem of children having children, babies being born out of wedlock, the number of kids in America who are at risk, we should be directly examining how many of our schools stay open into the evening, how many of our schools have afterschool programs. How many of our schools don't even have an ability to be able to track children who are truant?

It used to be that in the United States of America there was an ethic that when children were not showing up in school, the truant officer went out and found the kids. We did something about it. Today, you can be a kid in school and not show up and nobody even stops to wonder what happened. In too many schools in America they may not even contact what is too often a single parent and find out whether that single parent might have had time to be able to be aware that their kid might not be in school or what they might have time or ability to be able to do about it.

I don't raise this issue of spending to try to disparage the other budget priorities. I think they are all priorities. I vote for them. I support them. I think everybody in the Senate understands the importance of all of the things I listed. We have built up a very real bipartisan consensus on the importance of most of these investments.

But why is it that in the year 2000, after years of talking about education's importance and education reform, we are so absent a consensus in this institution on the need to be investing in communities that have no tax base with which to improve the school system? Ninety percent of America's children go to school in public schools. We waste more time on the floor of the Senate debating some alternative to public schools, such as vouchers or charters, rather than figuring out how we are going to fix the public school system and invest in it properly so those 90 percent of our children have a place to grow up properly and share in the virtues of this new world that America is increasingly witnessing and even playing a critical role in developing.

Every one of us meets with the extraordinary creative energy of the new technology community of this Nation. We have remarkable people doing remarkable things. We have companies that have built up more wealth faster than at any time in the history of this Nation. But there is an enormous gap for those companies in their capacity to grow over the coming years. Every chief executive of every technology company in our Nation will tell us again and again and again that their greatest restraint on growth is the lack of an available skilled labor pool. There are some 370,000 jobs going wanting today in the technology field.

(Mr. ROBERTS assumed the chair.)

Mr. KERRY. We are going to debate in Congress whether we are going to expand visas to bring immigrants from other countries to fill the jobs a properly educated young American ought to be able to fill or would want to fill if they had the opportunity to be able to do so. I think it is important to point out that out of a $1.8 trillion Federal budget, we are spending a relatively tiny amount of money to empower local communities to improve student achievement, to support teacher and administrator training, to help finance and encourage State, district, and school reforms, to recruit teachers, to fix failing schools, and to provide children the extra help they need to meet the challenging academic standards that are needed to make it in today's world.

Let me speak quickly to the teacher situation, Mr. President. For 3 years now, some of us have been coming to the floor of the Senate to warn our colleagues and America of our need to hire 2 million new teachers in the next 10 years. Why do we need to hire 2 million? Because we lose 40 percent of the new teachers in the first 3 years; because the schools are in such disarray, they have burnout in a mere 3 years, or they find the support systems are so inadequate they don't want to continue to teach. But we are also losing them because we have a whole generation of teachers reaching retirement age and we need to renew the teaching profession.

Ask any kid in college today: Do you want to go teach? How many kids plan to go teach in today's world? I read in the newspapers yesterday that the starting salary for an associate in a major law firm in Boston or New York is now equivalent to the salary of a Senator—about $140,000 a year. That is what you get the day you get out of law school and go to work for a large law firm.

If you want to, coming out of college today—and most kids need to because the average student gets out of college with about $50,000 to $100,000 worth of loans—they can look to go into some dot-com company where they can earn $60,000 or $70,000 within the first year or so of employment. What does a teacher get—$21,000, $22,000 a year? And after 15 years of teaching, when you have broken through and gotten your master's degree, you can get into the midthirties or high thirties. In some school districts, you may break into the forties. You can wind up an entire career of teaching and be earning maybe somewhere in the low fifties, high fifties, and very few districts hit the sixties. How do you attract anybody, under those circumstances, to do what we pretend is the most valued profession one can undertake—teaching.

So this year we are going to spend a grand total of slightly over $19 billion for all elementary and secondary education initiatives—or just barely over 1 percent of the $1.8 trillion Federal budget. When we hear our esteemed budget committee leaders talk about the great commitment on the part of Congress or the Federal Government toward improving education, I ask people to remember that what we are talking about is 1 percent of that Federal budget. We put so much more money into the back end of life in America, whether it is through Medicare or through Social Security, or just dying in a hospital—I hate to say it, but, tragically, in the last 2 weeks of life in America. We spend so much more at the back end of life than we invest when the brain is developing and it is in the most important stage of life.

Not one scientist will fail to document that what a human being will be—their capacity to think, their capacity to socialize, their capacity to be able to learn and to be a full participant in society—is 95 percent determined in the first 3 years of life. And we invest a fraction of a percentage of our budget to guarantee that children are safe and nurtured and, indeed, given the opportunities to have the maximum amount of brain development and opportunity for safety in those stages.

Our young people pull in about a penny on every dollar in terms of the investment priorities of the U.S. Congress. The National Center for Educational Statistics reports that the Federal Government provided 8.4 percent of total expenditures for elementary and secondary education from 1970 to 1971. It was 9.2 percent from 1980 to 1981. Yet last year we provided only 6.1 percent. The school population goes up, the demand goes up, but the commitment of the U.S. Congress, in total terms, goes down.

Let me put this in a different perspective, if I may. Let me compare the cost of investing in our children to the cost of some of our recently enacted tax provisions. In 1997, the President proposed, and Congress agreed, to create a new capital gains exclusion on home sales. Today, a homeowner can exclude from tax up to $500,000 of the capital gain from the sale of a principal residence. Obviously, we all agree that exempting the sale of a home from capital gains taxation is a good thing, and I am for that. Calculating the capital gain from the sale of a home is perhaps one of the most complex tasks a typical taxpayer faces because they have to keep detailed records of transactions on home improvements, they have to draw distinctions between improvements that add to the home's basis and repairs that don't. But what does it say about our national priorities—that the cost of exempting up to $500,000 of gain on the sale of a home will cost the Federal Government $18.5 billion this year. We are going to give up $18.5 billion of our revenue because we have decided it is important to reflect this ''priority.'' That is almost exactly the amount of money we spend as a nation on all elementary and secondary education.

Mr. President, I think that is a disturbing budget reality, and it is an incontrovertible fact, which I believe requires us to try to reconcile with the current demands we face from millions of Americans, whether they are parents, teachers, or business leaders, all of whom are asking us to help improve the schools of this Nation.

Now, I point this out because I believe now, when we enjoy the greatest economic expansion in the history of our Nation, we have an opportunity to lay the foundation for a new era in America. It is an opportunity to fix our schools, to increase their accountability, to recruit more and better teachers, and to reduce the average class size. I share with my Republican colleagues the desire to guarantee that we have a new accountability in the school systems. I believe we can reach a consensus and achieve that. But it must be done by some commitment of additional resources in order to allow the reformers at the local level to empower their States and local school districts to be able to turn their schools around.

Under the CBO's most recent estimates, the on-budget surplus—that is, the non-Social Security surplus—will amount to somewhere between $800 billion and nearly $2 trillion. I believe their most conservative estimate is probably the better place for us to start. That conservative estimate assumes that spending will continue to

increase at the rate of inflation. It assumes the continuation of emergencies, such as droughts in the Midwest and hurricanes on the east coast. It even assumes the continuation of unlikely events such as a decennial census every year—when we all know that expense occurs only once every 10 years.

I ask my colleagues to focus on the fact we are not talking about just Social Security now. We are assuming that the Social Security surplus is locked up, as it ought to be and as we wanted it to be. But we must decide to dedicate a portion of these surpluses towards the appropriate investment priorities of the Nation. Yes, that includes Medicare reform and putting it on solid footing. Yes, it includes a prescription drug benefit to help people pay the extraordinary costs of prescription drugs. We should dedicate a portion of that surplus towards debt reduction so we can keep reducing interest rates, and reduce the future interest obligations and extend the virtuous cycle of fiscal discipline which is at the heart of our economic expansion. Yes, we ought to pass some targeted tax cuts for middle-income families—such as the marriage penalty, estate tax relief, and an increase in the standard deduction. We can do those things.

We can also reserve an appropriate amount of money for the education of our young people—to raise that education to the level of rhetoric, to the level of campaigning, and to the level of debate that has existed in the Congress in the past years. I think the Congress has a unique opportunity this year to tell America that our young people at those critical stages of development are worth more than one penny on the dollar.

I intend to introduce a 21st century early learning and education trust fund. This legislation would set aside 20 percent of the most conservative CBO estimate of the on-budget surplus over the next 10 years only. I believe, with all of the debate on both sides of how to raise student achievement and reform public education, about the growing acknowledgment on both sides that reform costs money, that we should at the very least take a step that locks up a portion of the budget surplus and dedicate this money to early learning, and to education as a whole, where the country gets the greatest return on investment. Almost every analysis suggests that for $1 put into education at that stage, a minimum of $6 is returned to the Federal coffers over the course of the next years in one way or another.

My proposal would set aside $2.2 billion this year, $30 billion over 5 years, and nearly $170 billion over 10 years for education, for early learning, for childhood interventions, which will make a difference in building the fabric of families. That will help us break the cycle of children having children out of wedlock. That will help us solve the problem of parents who do not have time to be parents and be with their children in those critical hours of the afternoon when most kids get into trouble.

It will literally turn around the fabric building of our own Nation and ultimately provide us with an educated workforce that has the ability to continue the extraordinary economic growth we experienced these last years, as well as, I might add, empower us to be able to guarantee that a citizenry that grows up in a world of more information has the skills and capacities to be able to manage that information and, indeed, contribute to the wise decisionmaking—the wise choosing of policies in a world that will become increasingly more virtual, more capable of making faster decisions with more information being thrown at people and people trying to discern the truth for themselves. As Thomas Jefferson and George Washington, the Founding Fathers of this country, understood, nothing is as important as that effort of guaranteeing that your citizenry is educated.

The funds that would be held by the education trust fund could be used—and only used—to finance legislation to approve the quality of early learning through secondary education above the current inflation-adjusted baseline. Eligible uses include but would not be limited to programs and reforms authorized under the Elementary and Secondary Education Act and the Head Start Act. Trust fund expenditures would have to traverse the normal budget process.

If Congress were unable to agree on how to use trust fund revenue or if Congress simply doesn't commit enough resources to trigger the use of the trust fund, the trust fund assets would be carried over to the next year. The trust fund would work similar to the Social Security trust fund. On paper, those assets would carry forward to the next fiscal year. In reality, unspent funds would be used to pay down the public debt.

Trust fund revenue would not be available for anything other than these education specifics. Appropriators could not tap those trust fund moneys for sugar subsidies, for pet projects, or for other related purposes. Tax writers could not tap into trust fund money to pay for special interest tax breaks. But tax writers could use the trust fund money for education purposes ranging from school construction bonds to any other number of priorities on which the Congress could reach consensus. In effect, the trust fund would create a budgetary firewall protecting our national commitment to young people for early learning and education generally.

I have strong views about how some of that money might be best spent. But that is a debate for a different day. The question before us, as we think about the budget as a whole, particularly since it is the first budget of the new millennium, is, What is our commitment as a nation to education? Are we satisfied that one penny per dollar less than we used to commit under Ronald Reagan and less than we used to commit under Richard Nixon is currently being committed by the Federal Government for the purpose of building the future fabric of this Nation? I don't think I am alone in believing that surplus funds ought to be used to some degree in some manner for these education expenses.

In the State of the Union Address, the President pledged to increase our commitment to the Nation's education system by using surplus funds. In fact, his fiscal year 2001 budget requests an increase in discretionary spending for $5.7 billion for elementary and secondary education. I wholeheartedly support that critical increase. But I know and you know, Mr. President, and all of us in this Congress know that if we put together the proper structure that requires accountability that changes the relationships that currently exist in our public education system, that embrace choice, competition, accountability; that if we unleash the capacity of our school systems to be the best they can be, whether it means adopting the best of a charter school, the best of a parochial school, the best of a private school, the best of the best public schools, we have the ability in this Congress to find a way to guarantee that local communities embrace real concepts of reform. But none of those concepts can be properly implemented without some commitment of resources for communities that have no tax base and no ability to fund those systems through the property tax.

This is our mission, and $5 billion is not enough to fix our schools, or to guarantee a qualified teacher in every classroom, or to provide students with meaningful afterschool programs.

I am not suggesting a Federal mandate. I am not suggesting the long arm of Washington reaching in and telling people how to do it. To the contrary. I am suggesting that we leverage the capacity of local districts to make those choices for themselves. If we don't tell them how to get there as true fiscal watchdogs looking over our taxpayers' dollars, we will look on the back end to see they did get where they said they were trying to go. If we in this body intend to make education a top priority and work for serious reform, we have to guarantee children have access to those things that will contribute to their education's success.

I have never been able to reconcile in the Senate how it is that we are so ready to augment the expenses for the juvenile justice system, build new prisons and house people for the rest of their life for $35,000 to $75,000 a year, but we are unwilling to invest $35,000 a year to keep them out of those prisons and to provide them with a set of other choices when it matters the most. That, it seems to me, is the obligation of this country. The American people want funding for education increases. The American people in community

after community know they can't take any more on the property tax burden. Seniors who want to live out their years in the house they paid for can't see the property tax go up. Young families with a fixed stream of income who bought into their first home can't see the property tax go up. However, we fund our education system as if we were still the agrarian society which set up the entire structure for property tax in the first place.

Our obligation is to find a way to release the creative energies and learning capacities of our Nation. If we were to find a bipartisan consensus and reach across the aisle to end this wasted debate about saving a few kids rather than saving all of the kids, it seems to me we would have the ability in the Congress to achieve something that would truly be a long and lasting legacy. It would be a great beginning for this millennium.

Education is the No. 1 issue in America. It deserves more than a penny, a dollar. That, it seems to me, is the mission we should embark on over the course of these next months.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. It is such pleasure to see the distinguished Senator from Kansas in the chair. I know the Chamber will be kept in order, and we will make real progress.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND HOUSE OF REPRESENTATIVES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 80, the adjournment resolution, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 80) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 80) was agreed to, as follows:

S. CON. RES. 80

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, February 10, 2000, or Friday, February 11, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, February 22, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Wednesday, February 16, 2000, Thursday, February 17, 2000, or Friday, February 18, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Tuesday, February 29, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

MOTION TO PROCEED TO EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations en bloc: Executive Calendar Nos. 408 and 410. I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection to the request?

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, in light of that objection, I move to proceed to executive session to consider Executive Calendar No. 408. There is a request for a vote by our distinguished colleague, Senator INHOFE. Therefore, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Mr. President, before the Chair puts the question, I understand following this vote there will be some debate by my colleague from Oklahoma with respect to these two judges. I further understand, following the Senator's statement, we will proceed to two further rollcall votes on the confirmation of these judicial nominees. Senators should, therefore, be notified that a rollcall vote will begin on the pending motion and that after some time for debate, two additional votes will occur today.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. Reserving the right to object, I ask the majority leader, may we have an understanding that vote will not occur prior to 1:45 p.m.? Let me clarify. The motion to proceed can take place now, but if there are subsequent votes, those votes not take place——

Mr. LOTT. Is the Senator asking consent?

Mr. DASCHLE. I ask unanimous consent.

Mr. LOTT. Mr. President, I have no objection to that.

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

Mr. LOTT. Mr. President, before we do go to a vote on the motion, I want to have a colloquy with the distinguished Senator from Oklahoma. The vote then on the motion will occur immediately following this colloquy, which should not take very long. Then the vote on the two nominees will not occur before 1:45 p.m. It may be later than that; I emphasize that.

The Senator from Oklahoma may want to talk for a while, and others may want to comment on this. We want to accommodate, as we always do, Senators who wish to be heard on important nominations. I yield the floor to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the majority leader for yielding to me.

Last year, at the end of the session, I came to the floor and informed the White House, as well as my colleagues, that of a list of 13 proposed appointments, 8 were acceptable. I did this by checking with my colleagues to find out who would be placing holds on which of those 13 nominees. There were five that would have had holds on them.

I further stated that if anyone other than the eight were appointed, I would put a hold on all judicial nominations for the 2nd session of the 106th Congress. This policy was the result of an exchange of letters with the administration last summer in which the White House agreed to provide a list of potential recess appointments prior to adjournment so that the Senate could act on these appointments and avoid contentious action on recess appointments. The 8 to which I agreed were from a list of 13 that was provided by the White House, and I read those into the RECORD.

On December 9 the White House gave a recess appointment to Stuart Weisberg to the OSHA Review Commission, and on December 17 the White House gave a recess appointment to Sarah Fox to the National Labor Relations Board. They were not on the list of 13 that was received on November 18 and to which I referred on November 19. Based on these actions, I believe the White House violated their commitment by making these recess appointments. Therefore, I said I would put a hold on every judicial nomination this year. I believe this is the correct reaction to the action taken by the White House.

Mr. LOTT. Mr. President, will the Senator yield?

Mr. INHOFE. Yes.

Mr. LOTT. First of all, I appreciate sincerely the efforts of the Senator from Oklahoma to limit the recess appointment power of the Executive. Over a period of years, Executives of both parties have probably abused this authority. It is one that has been used by President Bush, President Reagan, as well as President Carter and President Clinton. I know in the past Senator BYRD, as a matter of fact, worked on this area of concern of the Senate and worked out an agreement, with the cooperation, as I recall, of Senator Dole and President Reagan, who was in the White House at that time.

Because of the Senator's concern and insistence about this matter, my colleagues will recall that last year, once again, we went through a process that led to a similar agreement in writing between the Senate and this President about how these recess appointments would be handled. It is important that we make every effort to live up to the letter of that agreement, as well as the spirit.

I emphasize that Senator INHOFE has already helped in bringing that about. There is no doubt in my mind that his efforts and his comments last year and this year had an impact on the number of recess appointments with which the administration did, in fact, go forward.

I know for sure—in fact, the President indicated as much to me—that they had wanted to do more, but they showed restraint and they realized that it could cause even more serious problems. So he has had an impact, there is no question about that. It is very helpful.

Indeed, Senator INHOFE did inform me of his intentions last November before he made his speech on the floor—I remember, I walked over to this area and talked with him. I admit, I was dealing with a lot of different issues at the time and perhaps should have paid a little bit more attention to exactly the exchange that was occurring and the lists that were being discussed—after I had shared with him the list of possible recess appointees provided by the White House on November 19 in compliance with a similar Byrd-Reagan agreement. There is no question his memory of that discussion and his efforts did take place, and I appreciate that.

As majority leader, I must also say I worked with the White House to limit their use of these recess appointments through these negotiations both now and in the past. I am quick to say, on more than one occasion I thought they made a mistake and I told them so. I remember one ambassadorial appointment in particular.

On many occasions, we have been able to resolve differences. With regard to the appointment of a person during the recess, sometimes there were problems, but concerns were worked out after further consideration. I do acknowledge that they have worked on a regular basis with me as majority leader and with my staff when I have been absent and in my own State or in other States.

I have great sympathy for the Senator's plan to object to these judicial nominations. I have said before, I am not one who gets all weepy-eyed about having more Federal judges of any kind anywhere. However, as majority leader, I must take some other factors into account.

Using the Sarah Fox example, she had previously been confirmed to a position on the NLRB by a vote of the full Senate. I believe she would have been confirmed to a full term if her nomination were brought to the floor of the Senate again. It probably would have eventually because, in this case, it is not a judicial nomination.

If the Chair will excuse me and my colleagues a moment of partisanship, I hope to have a Republican in the White House next year to succeed President Clinton. So, therefore, I hope this Republican will be able to name a majority of the members of boards and commissions as soon as possible. I did not want Sarah Fox serving a full NLRB term, which would have extended until 2004. I thought a 1-year appointment allowing, then, for her to be replaced by the next President—whichever party that President may be from—made some sense.

Maybe that contributed to a violation of the letter or the spirit of the agreement, but it was after a lot of discussion with colleagues on our side of the aisle. I thought it made sense to go ahead and do that.

I am also concerned very much about the Senate getting into the possibility of filibustering judicial nominations. It is a bad precedent. The Senate has generally not done that. Once again, I hope we will be having nominations suggested by the Senator from Kansas next year. I would be greatly concerned about the idea that a nomination would be filibustered.

As a matter of fact, you may recall last year when the Democrats did filibuster a nominee from Utah, I complained loudly that it was a mistake, should not be done. As you recall, the better part of judgment prevailed, and we backed away from that. We, in fact, confirmed that nominee. So that is another factor I have to inject.

I do not think we should or would be able to go all year without confirming any nominees. Some of these nominees are good men and women. Some of them have already waited a long time. Some of them are supported by Governors and Democrats and Republicans in the Senate and should not be held.

In some of these States there truly is a need for more judges, as bad as that may sound to some of us. Florida is a State with a growing docket of cases. Even hard-working Federal judges cannot cope with it.

So all of these are matters I have to consider as majority leader. It is one of those burdensome, delicate balances for which the majority leader has to assume the responsibility.

So based on that—my concern about how long these appointments would be for; my feeling that, in fact, the White House did try to work with us; my feeling that we should not start filibustering these nominations—these and other concerns lead me to the conclusion that I will honor a Senator's hold for a reasonable period of time and will certainly honor a hold by the Senator from Oklahoma and will inform him when nominations will be brought to the floor so that he can take whatever action he is compelled to take—and I will honor that also—but, nevertheless, I think we should move forward and bring these nominees to a vote on the floor.

I thank the Senator from Oklahoma for yielding.

Mr. REID. Will the leader yield?

Mr. LOTT. I do not believe I have the floor.

The PRESIDING OFFICER. The majority leader does have the floor.

Mr. LOTT. I thank the Chair.

I would be glad to yield. And then I will yield back to the Senator from Oklahoma for his remarks.

Mr. REID. In addition to what has been said, I also think it is important to say that we have started this session off on a good note.

Mr. LOTT. Thanks to the efforts of the whip, we have made good progress.

Mr. REID. We have gone through two very big, complicated pieces of legislation: The bankruptcy bill, with over 300 amendments, and the nuclear waste bill, with the potential of well over 100 amendments. Those have gone through now.

I appreciate, commend, and applaud the leader for being a man of his word, as we knew he would be. I hope the Senator from Oklahoma, recognizing how strongly he feels about the issue, would understand it is not only the State of Florida. In Nevada, we are four judges short. We do not want the bandits to take over the town.

We appreciate very much the majority leader's efforts to move these four. We hope the Senator from Oklahoma will understand the personal situations in States such as Nevada, where we are desperate for new judges.

Mr. LOTT. Mr. President, if I could comment briefly on that, I meant it sincerely when I said there has been good, hard work done on both sides of the aisle: Senator GRASSLEY and Senator HATCH on the bankruptcy bill; Senator MURKOWSKI, obviously, and others on the nuclear waste bill. But Senator REID has done excellent work on his side of the aisle in helping us move this legislation through in a positive way.

The fact is, already this year we have passed bankruptcy reform; we have passed a bill that would provide for a minimum wage increase and tax relief for small business men and women, and for a nuclear waste repository. These

are important issues. They are complicated and difficult to deal with substantively and politically. I think the Senate can feel good. I hope we can continue to work our way through important issues and that we will be able to do it as much as possible in a bipartisan way.

I yield further to the Senator from Oklahoma.

Mr. INHOFE. I thank the majority leader.

I hate to interrupt this love-in, but I want an opportunity to explain my actions. First of all, I want to say to the majority leader that I appreciate his acknowledgement of the accuracy of what happened on November 19. That is important to me. There have been some erroneous statements made in various newspapers reflecting the existence of other lists, and all that.

The bottom line is this: We made a request, the list came forward, and 10 minutes before we adjourned on November 19 we read from the list.

I believe there were strong reasons why the two particular nominees, Weisberg and Fox, would have been unacceptable. There are several Senators I have spoken with who would have found them unacceptable—frankly, I am one of them—and who would have been placed holds on those two individuals had they known that recess appointments were imminent. Some would have placed holds or at the very least insisted that hearings be held to explore the important policy matters surrounding these two appointments.

I think that is irrelevant. The fact is, the names were not on the Nov. 19 list. If the names had been on that list, that would have been totally different. Maybe some would have objected to them so they would not have been brought forward. The point is, appointments were made, and they violated the statements and the intent of the letter that we received from the White House vowing to honor their commitment.

I say to the majority leader, it is my intention, if we go forward at some point to vote on the two particular nominations to which you referred, that I will want to be heard and go back and maybe talk a little bit about what happened to bring us to the point where we are today.

I add that the President is not keeping his commitments. I think when I read his letter there is no question in my mind. I made it abundantly clear on the floor what the consequences would be.

I say, also, that I am in a position, I say to the majority leader, that while the President does not keep his commitments, I do keep my commitments. My commitments are to do what I can to try to block judicial nominations.

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

Mr. INHOFE. No, not now.

I just say this. In following through with my commitment to try to block the confirmations, while it is not my intention—if the handwriting is on the wall—to just arbitrarily lay down blanket filibusters, I do intend to consult with my colleagues and reserve my rights under the rules to assess what actions, if any, can succeed in this effort.

I want to make one other comment about this, too; that is, you hear a lot of yelling and screaming about: Oh, what are we going to do without these appointments that we have to have? I remind you, back in 1993, at the end of the Bush administration—he was ready to go out of office—there were 109 vacancies in the Federal judiciary. In other words, the Democratic controlled Congress failed to fill these vacancies.

Right now, there are 74 vacancies in the Federal judiciary. If you determine where we would be if normal history takes its course through deaths or resignations, at the most there would be another 25 vacancies. That means, at the most, we would have about 100 vacancies at the end of President Clinton's term. Compare that to the 109 vacancies left after the Bush administration. I make that comment to offset the argument before it is made as to what type of judicial crisis will come about if we ended up without judicial nominees being confirmed.

Mr. LOTT. I thank the Senator for his comments.

We have Senators who I believe are about to leave the Chamber. Are we ready to put the question? And then we would go ahead with the debate on the judges.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to executive session to consider Executive Calendar No. 408, the nomination of Thomas L. Ambro, of Delaware, to be United States Circuit Judge for the Third Circuit. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—79

Abraham	Chafee, Lincoln	Frist
Akaka	Cleland	Gorton
Ashcroft	Cochran	Graham
Baucus	Collins	Hagel
Bayh	Conrad	Harkin
Bennett	Coverdell	Hatch
Biden	Daschle	Hollings
Bingaman	DeWine	Hutchinson
Bond	Dodd	Hutchison
Boxer	Dorgan	Inouye
Breaux	Durbin	Jeffords
Brownback	Edwards	Johnson
Bryan	Feingold	Kerrey
Byrd	Feinstein	Kerry
Campbell	Fitzgerald	Kohl
Kyl	Murray	Smith (OR)
Landrieu	Nickles	Snowe
Lautenberg	Reed	Specter
Leahy	Reid	Stevens
Levin	Robb	Thompson
Lieberman	Roberts	Torricelli
Lincoln	Rockefeller	Voinovich
Lott	Roth	Warner
Lugar	Santorum	Wellstone
Mack	Sarbanes	Wyden
Mikulski	Schumer	
Moynihan	Sessions	

NAYS—19

Allard	Gramm	Murkowski
Bunning	Grams	Shelby
Burns	Grassley	Smith (NH)
Craig	Gregg	Thomas
Crapo	Helms	Thurmond
Domenici	Inhofe	
Enzi	McConnell	

NOT VOTING—2

Kennedy	McCain

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the Senator from Florida has asked that he be recognized to make a unanimous consent request, and I yield to him for that purpose.

Mr. GRAHAM. Mr. President, I ask unanimous consent that upon the completion of the two votes which are currently scheduled to commence at 2 p.m. I be granted 20 minutes as in morning business for the purpose of a bill introduction.

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

The Senator from Oklahoma.

EXECUTIVE SESSION

NOMINATION OF THOMAS L. AMBRO, OF DELAWARE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

Mr. INHOFE. Mr. President, I yield to the Senator from Georgia for a couple of unanimous-consent requests.

Mr. COVERDELL. I appreciate the courtesy of the Senator from Oklahoma.

Mr. President, I ask consent at 2 p.m. today the Senate proceed to a vote on the confirmation of Executive Calendar No. 408. I further ask consent that following that vote the Senate proceed to a vote on the confirmation of Executive Calendar No. 410. I finally ask consent following those votes the President immediately be notified of the Senate's action and the Senate then resume legislative session.

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

Mr. INHOFE. Mr. President, I would like to make a couple of statements about the vote that just took place, the reason for it, the history behind it, where we are today, and where we are going from here.

First of all, I suggest during the 5-day Memorial Day recess there was a pending nominee on whom there had been several holds. It is my understanding the appropriate committee had not received the financial information on that individual and there were

other problems that had been voiced that precipitated the holds. Consequently, during that 5-day Memorial Day recess, President Clinton went ahead and granted him a recess appointment.

I think the majority leader was correct when he said there have been Democrat Presidents as well as Republican Presidents who have made recess appointments. Frankly, I do not think the Republicans should have done it. I do not think the Democrats should have done it. If we go back and read the Constitution on what recess appointments are all about, we would see that back in the horse-and-buggy days when we would be in session for just a few weeks every other year, and if there were a death of a Secretary of State or something like that, it was necessary to put ourselves in a position where the President would be able to fill that vacancy. That was the whole intent of recess appointments.

In 1985, President Reagan was making recess appointments because at that time we had a conservative Republican President and we had a liberal Democrat-controlled Senate. Consequently, he wanted to get his conservatives passed, so he went ahead and made recess appointments. I do not believe he should have made those appointments. I think that contradicted the provisions in the Constitution. However, he did it anyway.

At that time, the minority leader, the distinguished senior Senator from West Virginia, Mr. BYRD, did what was perfectly appropriate, and that was to send a letter to the President to say: Before you violate the constitutional prerogative of the Senate in its advise and consent power on any future recess appointments, I request a letter from you at a time with sufficient notice before the recess goes into effect. I request that you notify the Senate of what recess appointments you are intending to make during that recess and why.

Sufficient notice was interpreted and vocalized several times by Senator BYRD to be adequate notice so we would know they were coming up, so we could go to Members and see if there were anyone who would want to put a hold on a judicial or any kind of nominee during the recess and have adequate time to act on it before recess. In the extreme case, I suppose we could have just gone into a pro forma session and not gone into recess. Nevertheless, that is what he requested from President Reagan. I might add, President Reagan did agree to that request. He sent a letter that was satisfactory to Senator BYRD, so that set the precedent.

Because of the recess appointments of this President, I merely did the same thing Senator BYRD did back in 1985. I sent a letter, a communication to the White House, and I said: Because of your appointments, I am going to make the same request Senator BYRD made of President Reagan, with which President Reagan complied, and that is that you notify us in advance of any appointments you plan to have. If not, we will put holds on all appointments at that time—all nonmilitary nominees.

We did not get the letter for awhile. A few trial letters came over, but they were not consistent with what President Reagan had agreed to. Finally, on June 15, 1999, President Clinton sent a letter that said:

> I share your opinion that the understanding reached in 1985 between President Reagan and Senator BYRD cited in your letter remains a fair and constructive framework, which my administration will follow.

He agreed to follow the same mandates President Reagan did. At that time, I wrote a letter back praising the President for agreeing to abide by the same agreement as the Byrd-Reagan agreement. However, on November 10, as we approached our recess, I anticipated the President might be tempted to make recess appointments that were not consistent with that agreement. So I sent a letter to him that says:

> If you do make recess appointments during the upcoming recess which violate the spirit of our agreement—

Then I went into the details as to what the spirit was; there had to be adequate notice on a list we could consider and pass around to our colleagues—

> then we will respond by placing holds on all judicial nominees. The result would be a complete breakdown in cooperation between our two branches of government on this issue which could prevent the confirmation of any such nominees next year. We do not want this to happen. We urge you to cooperate in good faith with the Majority Leader concerning all contemplated recess appointments.

That was signed by me and by 16 other Senators. Almost all, I believe—most of them, anyway—voted against the motion to proceed a few minutes ago.

On November 17—I remember that well; it was my 65th birthday—I made a speech on the floor, and in that speech, anticipating there could be a misunderstanding of what our intent was, I said, on November 17, on this floor, at this podium:

> I want to make sure there is no misunderstanding and that we don't go into a recess with the President not understanding that we are very serious. . . . It is not just me putting a hold on all judicial nominees for the remaining year of his term, but 16 other Senators have agreed to do that. . . . I want to make sure it is abundantly clear without any doubt in anyone's mind in the White House—I will refer back to this document I am talking about right now—that in the event the President makes recess appointments, we will put holds on all judicial nominations for the remainder of his term. It is very fair for me to stand here and eliminate any doubts in the President's mind of what we will do.

That is exactly what we said on the floor, and I am going back now and reminding this body of that statement.

On November 19—that was the day we were going out of session on recess, and it would be a lengthy recess going until January, the State of the Union time—the President notified the Senate of contemplated recess appointments. This was in compliance with the intent of the letter.

I hasten to say here it is not quite in compliance because this is on the day we are going into recess. But nonetheless, in the spirit of cooperation and fairness, we agreed to take this list and to read the list and to go to our colleagues and see what names were on this list of 13 nominees whom he desired to appoint during the recess, and we found there were 5 on the list who were unacceptable to some Members of the Senate. So we sent back to him that communication, that there are 8 of them, and if there were any appointments other than these 8, that would be in violation of the letter.

To reaffirm that, the majority leader was good enough to let me be the last speaker on this floor, where I stood here 10 minutes before we went into recess and I made a rather lengthy talk, of which I will just repeat a little bit right now. I said:

> If anyone other than these eight individuals is recess appointed, we will put a hold on every single judicial nominee of this President for the remainder of his term in office. . . . I reemphasize, if there is some other interpretation as to the meaning of the (Nov. 10) letter, it does not make any difference, we are still going to put holds on them. I want to make sure that there is a very clear understanding: If these nominees come in, if he does violate the intent (of the agreement) as we interpret it [by appointing anyone other than these eight], then we will have holds on [all judicial] nominees.

There was one individual about whom the majority leader came to me, right after that, after we went into recess. He said: You know, we made a mistake, there was one other individual. Let's increase that to nine people instead of eight.

I said: That's fine.

We sent a letter to the President dated November 23 that, in the spirit of cooperation, we are adding one name to the list:

> I hope this makes our position clear. Any recess appointments other than the nine listed above would constitute a violation of the spirit of our agreement and trigger multiple holds on all judicial nominees.

On December 7 we urged the White House not to violate the agreement. Yet, we found that by December 17 the White House did, and President Clinton did, in fact, violate the agreement directly and blatantly by appointing both Sarah Fox to the NLRB and Stuart Weisberg to the OSHA Review Commission.

It happens that both of these recess appointments that violated our agreement would have been objected to by a number of Senators, two of whom are in this Chamber right now. However, that is not significant. There are reasons we would have found that objectionable. But even if they had been acceptable, it still violated the very specific agreement we had.

On December 20, I stated:

I am announcing today that I will do exactly what I said I would do if the President deliberately violated our agreement.

And on January 25, 2000, I did just that. I placed a hold on all judicial nominees. On this Senate floor I said:

It was in anticipation of just such defiance—

I am talking about the President's defiance of the Senate's prerogative to advise and consent to nominees—

It was in anticipation of just such defiance that I and my colleagues warned the President on at least five separate occasions exactly what our response would be if he violated this agreement. We would put a hold on all judicial nominees. So today it will come as no surprise to the President that we are putting a hold on all judicial nominees. We are simply doing what we said we would do to uphold constitutional respect for the Senate's proper role in the confirmation process.

Today we have agreed—I did not agree, but we went ahead and agreed to bring up two nominees on which I did assert my prerogative and say we are going to have rollcall votes on every nominee that does come up, and those rollcall votes are going to be taking place in about 15 minutes.

I say for those individuals who hysterically talked about the chaos that would be created in the event we put holds on all nominees, and no nominees were, in fact, appointed by this President for the last year of his administration and confirmed by the Senate, if you go back and look at what happened in January of 1993—that was the last month President Bush was in office—there were 109 vacancies in the judiciary. In other words, 109 vacancies that the then-Democrat-controlled Senate failed to act upon.

Today, there are 74 vacancies in the judiciary. In the event normal history takes its course and the normal number of either deaths or resignations take place, it will be not more than 25 more. In other words, there will be approximately 100 vacancies at the end of President Clinton's term of office. That is still nine fewer than there were at the end of President Bush's administration.

This is sad. We are in the process of giving up an opportunity, by voting on some of these, for the first time in 7 years of this President's administration of holding him to his word. He has broken his word over and over. He has told lies to the American people over and over, and to this body he has broken his commitment. What we are giving up is our last and maybe only opportunity in 8 years to hold this President to his commitment. What is going on today is very sad. I deeply regret it.

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. 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 rise to commend the majority leader, Senator LOTT, for proceeding today with votes for these two judicial nominees. We will continue to process the confirmations of nominees who are qualified to be Federal judges. In that respect, the Senate Judiciary Committee will hold its first nominations hearing of this session on Tuesday, February 22, and I expect to see more judicial nominees moving through the process in the coming months. There is a perception held by some that the confirmation of judges stops in election years. That perception is inaccurate, and I intend to move qualified nominees through the process during this session of Congress.

That said, in moving forward with the confirmations of judicial nominees, we must be mindful of problems we have with certain courts, particularly the ninth circuit. In addition, the President must be mindful of the problems he creates when he nominates individuals who do not have the support of their home-State Senators. In this regard, I must say that it appears at times as if the President is seeking a confrontation with the Senate on this issue, instead of working with the Senate to see that his nominees are confirmed.

Last session, despite partisan rhetoric, the Judiciary Committee reported 42 judicial nominees, and the full Senate confirmed 34 of these—a number comparable to the average of 39 confirmations for the first sessions of the past five Congresses, when vacancy rates were generally much higher. In total, the Senate has confirmed 338 of President Clinton's judicial nominees since he took office in 1993.

I am disturbed by some of the allegations that have been made that the Senate's treatment of certain nominees differed based on their race or gender. Such allegations are entirely without merit. For noncontroversial nominees who were confirmed in 1997 and 1998, there was little, if any, difference between the timing of confirmation for minority nominees and non-minority nominees. Only when the President appoints a controversial female or minority nominee does a disparity arise. Moreover, last session, over 50 percent of the nominees that the Judiciary Committee reported to the full Senate were women and minorities. Even the Democratic former chairman of the Judiciary Committee, Senator JOE BIDEN, stated publicly that the process by which the Committee, under my chairmanship, examines and approves judicial nominees ''has not a single thing to do with gender or race.''

The Senate has conducted the confirmations process in a fair and principled manner, and the process has worked well and, in my opinion, will continue to work well. The Federal Judiciary is sufficiently staffed to perform its function under article 3 of the Constitution. Senator LOTT, and the Senate as a whole, are to be commended.

I want to make sure we make those points in the RECORD before we start voting on these judicial nominees. When the Judiciary Committee reports a nominee to the floor, it does not even consider telling Senators what the nominee's race or ethnicity or anything else is. The nominee's race or ethnicity or gender is irrelevant as far as we are concerned. We report judicial nominees because we believe them to be qualified. We report them because the President of the United States has the constitutional right to nominate judges. The Senate has right to confirm or not confirm them.

I have to say, the big battles are behind the scenes where we determine, in consultation with the White House, whether or not people should be nominated at all. That process is participated in by virtually every Senator in this body, and certainly by the leaders of the Judiciary Committee.

I wish to set the record straight because I see continual politicization of the judiciary by this administration whereby this administration tries to make appointments that literally do not deserve to be made.

Naturally, having said all this, during a Presidential election year the nomination process does slow down. It ultimately ends during that year, and historically has done so whether there has been Republican or Democrat control of the Senate, and whether there has been a Republican or Democrat in the White House.

Another point I believe must be emphasized: We in the Senate cannot take action on nominees we do not have.

Yesterday, at a Democratic National Committee event in Texas, President Clinton took the Senate to task for not acting swiftly enough on his judicial nominees. Given the fact that this is his last year in office, and that he was speaking at a DNC event, President Clinton is bound to say anything.

The nominees we will confirm today will bring the total number of Clinton judges confirmed by the Senate Republicans to 340. Approximately 40 percent of the total federal judiciary now are Clinton judges—judges confirmed by Republicans.

I note this: The President has made nominations for less then half of the vacancies that currently exist. For all the bad-mouthing this administration does from time to time regarding the confirmation of judges, it is important to note there are presently 79 vacancies, and to date we have received only 38 nominees—4 of which we received just today, so, in essence, just 34 nominees until today. There are 41 vacancies for which the President has not even made a nomination. That needs to be said.

I want to work with the President. I want to treat him fairly. I think we have been more than fair with him. I intend to be fair in the future as well,

but I would appreciate it if he would speak a little more fairly himself.

Mr. ROTH. Mr. President, it is the Senate's responsibility to assure that only our Nation's most exceptional legal minds dispense justice during lifetime appointments to the Federal bench. This definition precisely describes Delaware's Thomas Ambro, whom we have just confirmed to serve as a Federal judge on the Third Circuit Court of Appeals.

I have followed Tom's legal career from the time he served on my Washington staff while attending Georgetown University Law School. Following a clerkship with Delaware Supreme Court Justice Daniel Herrmann, Tom distinguished himself as a corporate law attorney with the law firm of Richards, Layton and Finger in Wilmington, Delaware.

I have no doubt that Thomas Ambro's national reputation as a corporate bankruptcy attorney will soon be supplanted by a reputation as one of our wisest Federal judges. Congratulations to Tom on this significant day.

The PRESIDING OFFICER (Mr. VOINOVICH). The question is, Will the Senate advise and consent to the nomination of Thomas L. Ambro, of Delaware, to be United States Circuit Judge for the Third Circuit?

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The senior assistant bill clerk called the roll.

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

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 10 Ex.]

YEAS—96

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

NAYS—2

Inhofe Smith (NH)

NOT VOTING—2

Kennedy McCain

The nomination was confirmed.

NOMINATION OF JOEL A. PISANO, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Joel A. Pisano, of New Jersey, to be United States District Judge for the District of New Jersey.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Joel A. Pisano, of New Jersey, to be United States District Judge for the District of New Jersey?

Mr. BIDEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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 Florida (Mr. MACK) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 11 Ex.]

YEAS—95

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

NAYS—2

Inhofe Smith (NH)

NOT VOTING—3

Kennedy Mack McCain

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. GRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, as I understand, under the previous order, the distinguished Senator from Florida is to be recognized next. Seeing him on the floor, I ask unanimous consent that I be allowed to continue, without him losing his place in the order, for up to 4 minutes in reference to the judicial nominations we just confirmed.

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

Mr. LEAHY. Mr. President, as we begin the 2d session of the 106th Congress, we should think about the challenge we face with respect to our constitutional responsibility to work with the President to provide the many Federal judges who are desperately needed around the country.

Today I thank our Democratic leader, but I also particularly thank the majority leader, both longtime friends. They moved forward Senate consideration of two of the seven judicial nominations that were favorably reported to the Senate by the Judiciary Committee last year.

I know that had the distinguished majority leader not taken the earlier parliamentary action he did today, this would not have happened. I thank him for doing that.

I note the heavy vote on both these nominees. One had a vote of 96 votes. The other had a vote of 95 votes. Perhaps more relevant, there were only two votes against them. I would love to win elections by those kinds of margins in my home State of Vermont.

The point is that these distinguished jurists have been held up for some time. Yet when they finally come to a vote, we find an overwhelming majority of Republicans and Democrats are for them.

I hope that we might proceed to prompt action on the remaining five judicial nominations on the Senate calendar, as well. Having confirmed Judge Ambro and Judge Pisano, I wish we were proceeding, as well, on the confirmations of Kermit Bye to the Eighth Circuit, Judge George Daniels to the District Court for the Southern District of New York, Tim Dyk to the Federal Circuit, and Marsha Berzon and Judge Richard Paez to the Ninth Circuit.

I hope that the distinguished majority leader, Senator LOTT, and the distinguished Democratic leader, Senator DASCHLE, the distinguished chairman of the Judiciary Committee, Senator HATCH, and I can find a way to consider each of the judicial nominations reported last year to the Senate by the Judiciary Committee.

Last October, Senator LOTT committed to working with us, and I commend him for that. Also, in November, he announced he would press forward for votes on the nominations of Judge Richard Paez and Marsha Berzon to the Ninth Circuit by March 15. In that regard, not only do I commend him for pushing forward, but I commend the distinguished Senators from California, Senators FEINSTEIN and BOXER, for their steadfast support of these nominees. They are now in line to receive Senate action. We should do the same with all the others.

Then there is the question of the 31 judicial nominations pending in the Judiciary Committee. In fact, 29 not yet had hearings, although we now have some planned.

I am challenging the Senate to regain the pace it met in 1998 when the committee held 13 hearings and the Senate confirmed 65 judges. That would still be one fewer than the number of judges confirmed by a Democratic Senate majority in the last year of the Bush administration in 1992. In fact, in the last 2 years of the Bush administration, a Democratic Senate majority with a Republican President confirmed 124 judges. We now have a Democratic President with a Republican-controlled Senate, and it would take 90 confirmations this year alone for the Senate to equal that total.

Let me show a chart. These are Presidential election years. This is what we have done on nominations: 64 in 1980; 44 in 1984; 1988, with a Democratic-controlled Senate and a Republican-control Presidency, 42; in 1992, with the Democrats in control of the Senate and with a Republican President, we confirmed 66 judges; but then 4 years later with a Republican Senate and a Democratic President, it dropped to only 17 judges without a single judge confirmed to the federal courts of appeals; and now we have confirmed 2 judges so far this year.

I hope we can do better. I hope we will say that 1996 was an anomaly and the Senate will very much take its duties seriously.

Let these judges have a vote. If Senators do not want them, vote against them. But as we have seen, oftentimes even when they are held up, if they can finally get a vote, they are overwhelmingly confirmed by the Senate.

Over the last 5 years, the Republican-controlled Senate confirmed the following: 58 federal judges in the 1995 session; 17 in 1996; 36 in 1997; 65 in 1998; and 34 in 1999. In one year, 1994, with a Democratic majority in the Senate, we confirmed 101 judges. With commitment and hard work many things are achievable. I am not demanding that the Senate confirm 101 judges this year, as we did in 1994, or 90 or 80 or even 70. But I do challenge the Republican-controlled Senate to hold at least 13 hearings and confirm at least 65 judges, as it did in 1998.

We failed to reach those goals last year when the Judiciary Committee held barely half that number of hearings and confirmed barely half that number of judges. A confirmation total of 65 at the end of this year is achievable if we make the effort, exhibit the commitment and do the work that is needed to be done. We cannot achieve this goal if we wait several more weeks before holding hearings or wait several weeks between hearings. To hold at least 13 hearings requires the Committee to begin holding hearings right away and to hold hearings at least every other week for the entire session.

I am continuing to work with Chairman HATCH so that all of the nominees submitted to us get a fair hearing before the committee and a fair up-or-down vote before the Senate.

We begin this year with 79 judicial vacancies, more than existed when the Republican majority took control of the Senate five years ago and over 50 percent more than when the Senate adjourned in 1998. Over the last 5 years we have actually lost ground in our efforts to fill longstanding judicial vacancies that are plaguing the Federal courts.

Moreover, the Republican Congress has refused to consider the authorization of the additional judges needed by the federal judiciary to deal with their ever increasing workload. In 1984, and in 1990, Congress responded to requests by the Chief Justice and the Judiciary Conference for needed judicial resources. Indeed, in 1990, a Democratic majority in the Congress created scores of needed new judgeships during a Republican administration.

Three years ago the Judicial Conference of the United States requested that an additional 53 judgeships be authorized around the country. Last year the Judicial Conference renewed its request but increased it to 72 judgeships needing to be authorized around the country. Instead, the only Federal judgeships created since 1990 were the nine District Court judgeships authorized in the omnibus appropriations bill at the end of last year.

If Congress had timely considered and passed the Federal Judgeship Act of 1999, S. 1145, as it should have, the Federal judiciary would have over 150 vacancies today. That is the more accurate measure of the needs of the Federal judiciary that have been ignored by the Congress over the past several years and places the vacancy rate for the Federal judiciary at over 16 percent—151 out of 915. As it is, the vacancy rate is almost 10 percent—79 out of 852—and has remained too high throughout the 5 years that the Republican majority has controlled the Senate.

Especially troubling is the vacancy rate on the courts of appeals, which continues at 15 percent—27 out of 179—without the creation of any of the additional judgeships that those courts need to handle their increased workloads.

Most troubling is the circuit emergency that had to be declared four months ago by the Chief Judge of the Court of Appeals for the Fifth Circuit. I recall when the Second Circuit had such an emergency 2 years ago. Along with the other Senators representing States from the Circuit, I worked hard to fill the five vacancies then plaguing my circuit. The situation in the Fifth Circuit is not one that we should tolerate; it is a situation that I wished we had confronted by expediting consideration of the nominations of Alston Johnson and Enrique Moreno last year. I hope that the Senate will consider both of them promptly in the early part of this year.

I deeply regret that the Senate adjourned in November and left the Fifth Circuit to deal with the crisis in the federal administration of justice in Texas, Louisiana and Mississippi without the resources that it desperately needs. I look forward to our resolving this difficult situation promptly this session. I will work with the majority leader and the Democratic leader to resolve that emergency at the earliest possible time.

With 27 vacancies on the Federal appellate courts across the country and 73 percent of the judicial emergency vacancies in the Federal courts system in our appellate courts, our courts of appeals are being denied the resources that they need, and their ability to administer justice for the American people is being hurt. There continue to be multiple vacancies on the Ninth Circuit. Six vacancies out of 28 authorized judgeships is too many; perpetuating five judicial emergency vacancies, as the Senate has in this one circuit, is irresponsible. We should act on these nominations promptly and provide the Ninth Circuit with the judicial resources it needs and to which it is entitled.

I am likewise concerned that the Third, Fourth and Sixth Circuits are suffering from multiple vacancies.

I look forward to Senate action on the long-delayed nominations of Judge Richard Paez, Marsha Berzon and Tim Dyk. I continue to urge the Senate to meet our responsibilities to all nominees, including women and minorities, and look forward to prompt and favorable action on the nominations of Judge Julio Fuentes to the Third Circuit, Judge James Wynn, Jr. to the Fourth Circuit, Enrique Moreno to the Fifth Circuit, and Kathleen McCree Lewis to the Sixth Circuit.

Working together the Senate can join with the President to confirm well-qualified, diverse and fair-minded judges to fulfill the needs of the Federal courts around the country. I urge all Senators to make the Federal administration of justice a top priority for the Senate this year.

Mr. President, I see my distinguished friend from Florida on the floor. I thank him for his courtesy. I commend the distinguished senior Senator from New Jersey for giving us such a fine nominee. I yield the floor.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be permitted to speak for up to 6 minutes

without the Senator from Florida losing any of his time. I thank him for his willingness to allow this.

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

Mr. LAUTENBERG. Mr. President, this is a good day for New Jersey. I am so pleased the Senate has confirmed the appointment of an outstanding citizen of our State, Joel Pisano, for a seat on the U.S. District Court for New Jersey. He is a competent, thorough, well-thought-of individual. I thank Senator HATCH and Senator LEAHY for their help in moving Mr. Pisano's nomination through the Judiciary Committee and their support of his nomination. I recommended him in June of 1999. I am grateful to hear he was confirmed by a vote of 95 to 2.

Joel Pisano has outstanding credentials. He is going to be an excellent addition to our district court. The backlog of cases is very high. It takes a long time for people to bring their cases and have them adjudged. Joel Pisano will be an excellent addition to our bench and help move that caseload fairly and rapidly.

He has served as a magistrate judge since 1991. He is already performing many of the duties of a district court judge, including jury and nonjury trials. He has managed pretrial proceedings in about 600 civil cases, so he is used to controlling the large caseload of a Federal court. He has also dealt with a wide variety of different cases—patent and trademark cases, environmental cleanup disputes, antitrust and securities litigation, employment discrimination cases, and civil RICO matters.

I did a lot of personal research, as I have on all of the recommendations I have made to the Federal bench, and I was so pleased to hear of the unanimous approval of Mr. Pisano as a candidate for the Federal bench.

He has a reputation for competence, energy, and commitment that perfectly fits the profile of an excellent candidate to sit on the Federal district court bench.

He has consistently impressed everyone who appears before him and who works with him in his capacity for fairness and his thorough understanding of the law.

I heard not one critical note from the people I spoke to—lawyers, judges, those who make up much of the legal community in the State of New Jersey.

Prior to his appointment as a magistrate, Mr. Pisano was a partner in a distinguished law firm. In the 13 years he spent representing clients, he developed an expertise in a wide variety of areas, in both civil and criminal matters.

Mr. Pisano appeared in court almost every day and tried 150 cases to conclusion. He also managed the litigation section of his firm, which I think was an early indication of the supervisory skills that have served him so well as a magistrate.

Magistrate Pisano's depth of experience and organizational skills are exactly what we need at a time when staggering caseloads are making it more and more difficult for our Federal judges to spend as much time with each case as they would wish.

He will tackle his new responsibilities with energy to spare. I am pleased the Senate confirmed him. I am honored that I brought him to the attention of the Senate. I believe he will serve as one of our most outstanding judges in the district court.

Mr. President, I thank my friend from Florida and yield the floor.

Mr. TORRICELLI. Mr. President, I am pleased that the Senate, by a 95–2 vote, has confirmed Joel Pisano as a district court judge for the District of New Jersey.

Judge Pisano is an excellent choice to fill the district court seat created with the confirmation of Marion Trump Barry to the third Circuit Court of Appeals this past summer. He is extremely well-respected in New Jersey for his commitment to public service, as well as for his depth and breadth of knowledge of the law.

A graduate of Lafayette College and later of Seton Hall University Law School, Judge Pisano has had a varied and distinguished legal career. He served for 4 years as a public defender in New Jersey, before moving into private practice as a partner with a well-respected New Jersey law firm for 14 years.

In 1991, Judge Pisano was appointed to be a U.S. Magistrate Judge in Newark, New Jersey. In that capacity, he ably presided over a number of high profile cases, including that of a former Mexican deputy attorney general who was charged with laundering $9.9 million in drug payoffs.

In a 1995 survey of attorneys who practice in New Jersey before Federal judges, Judge Pisano was praised for his skills in managing cases and his efficiency in moving a calendar quickly. His ''street-wise'' nature and prior experience as a trial attorney were said to serve him well on the bench.

Judge Pisano's 8 years as a magistrate judge have prepared him for his promotion to the district court. He has an understanding of, and the training for, the responsibilities and challenges he will face as a district court judge. I am confident that he will serve us all well in his new role.

In conclusion, I just want to say how pleased I am that Joel Pisano has been confirmed by the Senate as a district court judge for the District of New Jersey. I am sure that he will be a superb addition to the bench.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. FITZGERALD). Under the previous order, the Senate will now return to legislative session.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. The Senator from Florida has been gracious enough to allow me to take a few moments, and that is all I will do. I ask unanimous consent to be able to do that.

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

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 2055 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WELLSTONE. Mr. President, I thank my colleague from Florida for allowing me to speak.

I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2058 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

The PRESIDING OFFICER. The Senate is in morning business.

Mr. BYRD. Is there a time limit in the order?

The PRESIDING OFFICER. There is no time limit.

FLOYD RIDDICK

Mr. BYRD. Mr. President, I wish to speak briefly regarding the late Floyd Riddick.

Floyd Riddick was for several years the Parliamentarian of the Senate. Floyd Riddick was born in 1908 in Trotville, NC. That was the same year in which the Model T Ford was made. The Model A Ford came along in December of 1927, but the Model T Ford came on the market in 1908.

Floyd Riddick was from that generation of Americans committed to duty, excellence, and hard work. His entire life reflected a love of duty, of excellence, and of hard work. Floyd Riddick attended Duke University. He attained his master's degree at Vanderbilt, and then he returned to Duke University to earn his Ph.D. in political science. While working on his doctoral dissertation, Floyd Riddick spent a year observing the workings of the U.S. House of Representatives. And then, in 1941, he published an expanded version of that research as congressional procedure.

For the benefit of the viewing public, I hold in my hand a copy of the volume about which I have just spoken. The title is ''Riddick's Senate Procedure.'' This particular volume, which was printed by the U.S. Government Printing Office here in Washington in 1992, including the appendix, contains 1,564 pages. Mr. President, I have read this book on Riddick's Procedure through and through and through a number of times. It used to be that when I was the Democratic whip, and while I was also Secretary of the Democratic Conference in the Senate, and during the

time I was majority leader, minority leader, and majority leader again, I read this book once every year—the complete book. It is a very valuable book. If one hopes to ever have a fairly good understanding of the Senate rules and precedents, then he or she should read this book. The Parliamentarians of the Senate are very familiar with it. They resort to it many times a day, and it is a sure and dependable guideline with respect to the rules and precedents in the Senate. Doc Riddick—we called him ''Doc''—published a book on congressional procedure. This book is on Senate procedure.

He then came to Washington permanently as a statistical analyst and as an instructor of political science at American University. He was a Ph.D. in political science. I never received my baccalaureate in political science until I was 76 years old. That was about 6 years ago. I received my baccalaureate in political science, but, of course, I knew a lot about political science long before I ever received that degree. I am a graduate of the school of hard knocks, and I learned a long time ago the lessons that are taught by service in this body and in the other body. This is my 48th year on Capitol Hill.

The late Richard Russell talked with me one day about the rules in the Democratic Cloakroom, right in back of where I am now standing. He said: ROBERT, you need not only to know about the rules, you need also to understand the precedents of the Senate.

I said: Where can I learn about them?

He picked up this book, ''Riddick's Procedure,'' and he said: This is the book where you can learn a lot about the precedents of the Senate.

Doc Riddick—as I say, because he had a Ph.D. in political science, Doc Riddick wrote the book. From 1943 to 1946, Dr. Riddick edited the Legislative Daily for the U.S. Chamber of Commerce, a post which led to his being asked to set up a Daily Digest in the CONGRESSIONAL RECORD which would summarize congressional events and serve as a guide to the daily RECORD.

Now, Doc Riddick wasn't the first man who ever thought of that. Julius Caesar developed what well might have been called the legislative daily. He developed a process whereby the daily actions of the Senate would be noted and would be distributed to the various parts of the Roman Empire, and nailed upon walls for all to see.

That was a kind of daily legislative digest. That came along quite a good many years before Dr. Riddick's time. But he followed in the shoes of Julius Caesar in that regard in that he set up a Daily Digest in the CONGRESSIONAL RECORD. It is still to be found in the back of the CONGRESSIONAL RECORD. In the back of the RECORD there is a Daily Digest, and Senators can go to the Daily Digest and very quickly be informed about the actions of the Senate and the House the day before, and what legislation was passed and how many rollcall votes there were. It is a very valuable compendium of the actions of the Senate and the House on the day previous to the day on which the CONGRESSIONAL RECORD appears in our office.

From that position in 1951, Dr. Riddick joined the Office of Parliamentarian as an assistant, succeeding to the position of Senate Parliamentarian in 1964 where he served until 1974. After his retirement, Dr. Riddick continued to serve the Senate as Parliamentarian Emeritus and as a consultant to the Senate Committee on Rules and Administration. Do you know what his salary was? Zero. He didn't charge anything for his services.

That was a deeply dedicated man who enjoyed giving of his knowledge and talents, his expertise, his experience to other Senators. I have been a member of that committee for a long time, so I am quite familiar with Floyd Riddick and his work on the committee.

Most Senators now serving will be most familiar with the name of Floyd Riddick in connection with Riddick's Rules of Procedure. He also authored a series of articles summarizing each congressional session which appeared in the American Political Science Review and the Western Political Quarterly, along with several other books on the organization, history, and procedures of the Congress.

I used to conduct a seminar on the legislative process at American University during the summers. I didn't earn much money, but the money that I earned I put into a fund for the college education of a Chinese orphan. I would have Dr. Riddick over to speak during those days when I was conducting the seminar. Dr. Riddick would come over and speak to the class. It wasn't an easy class. It was a tough one. I gave between 600 and 700 questions on the final exam, and I flunked three or four individuals in the class who apparently thought it would be an easy thing to skip when they wanted to. But they didn't make the grade. I had no hesitancy in flunking them. Dr. Riddick, though, was one of those who spoke for me from time to time.

I also had Senator Sam Ervin over to speak to my class. I had the late Speaker, Carl Albert, over to American University from time to time to speak in this seminar. I asked some of the officers of the Senate to visit the class. So we offered those young people a real treat in the legislative process.

The Random House College Dictionary gives us this definition of the word ''integrity'': ''Adherence to moral and ethical principles; soundness of moral character; honesty.''

That word ''integrity'' is used repeatedly in the publication entitled ''Tributes to Dr. Floyd M. Riddick'' upon the occasion of his retirement and designation as parliamentarian emeritus, which was ordered by the Senate to be printed on December 19, 1974. Senator after Senator, in speaking of the services of Floyd Riddick upon his retirement, used that word ''integrity.''

He was a Parliamentarian who would not be swayed by anybody in the Senate. He called the shots exactly as he saw them. He didn't lean toward the Republicans; he didn't lean toward the Democrats. He called the questions as he saw them, and based them on the Senate rules and upon the precedents. When we received advice from Dr. Riddick while he was Parliamentarian, we knew that was the way it was. We knew he wasn't bending the rules to favor any of us or to favor either political party.

So the word ''integrity'' was an extremely well-fitting word for Floyd Riddick.

There are some individuals who come up from their origins with a closeness to earth and a nearness to growing things—growing things, the lilac bush, the rosebush, the tomato plant, the ordinary weed, a blade of grass—these individuals have integrity. There is a sort of elemental trueness about them which even the foibles and the follies and the bright lights of Washington politics cannot shake from their being.

As Popeye says, ''I am what I am and that is all I am.'' And these people are just what they are and that is all they are. That was Dr. Riddick. Even the foibles and follies of politics in Washington could not shake his being.

So it is not surprising to learn that Floyd Riddick enjoyed being on a farm. He used to give some of us here a few of his tomatoes. He grew those large, beefsteak tomatoes, and he would bring them in from the farm. He would give me some in the summer. And there were others who were fortunate enough to be the recipients of Floyd Riddick's tomatoes. And later in life, Dr. Riddick routinely escaped to his farm in Rappahannock County, VA, as if for renewal and refreshment.

Rappahannock County, VA—my distant forbear, whose name was William Sale, came from England in 1657 and settled on the Rappahannock River in Virginia. He worked 7 years as an indentured servant to pay for his trip across the Atlantic—7 years. Then he received 160 acres of land. So it was in Rappahannock County that Dr. Riddick had a farm. He loved that farm.

Emerson said, ''The true test of civilization is not in the census, nor the size of cities, nor the crops. No. But the kind of man the country turns out.''

This was the kind of man we could emulate. He was a noble soul, Floyd Riddick. He was the kind of man we could proudly call a friend or associate.

Emerson also said: ''It is easy in the world to live after the world's opinion.'' That is easy. ''It is easy in solitude to live after our own.'' That is easy. ''But the great man is he who, in the midst of the crowd, keeps with perfect sweetness the independence of solitude.''

Floyd Riddick never seemed frazzled, never seemed exasperated by the pressure cooker atmosphere that can and does develop here on the Senate floor.

Even though Dr. Riddick's tenure as Senate Parliamentarian coincided with some of the most difficult and passionate issues ever encountered by the Senate, such as Vietnam and civil rights, he was ever the calm professional, always willing and ready to lift a hand, always desirous of helping especially the new Members who were sworn into this body, always there, too, at the beck and call of the Members who had been here a long time.

Such a common, friendly, warm, congenial, accommodating, decent individual! Around him there seemed to be always an aura of peace and control. He kept his mind on his responsibilities, and he never ever forgot that, as Parliamentarian—in effect, the silent referee of Senate debate and procedure—he had to maintain complete and total objectivity. No partisanship—complete and total objectivity.

Senators on both sides of the aisle knew it. They knew when they went to him, they would get the straight answer and it would not be colored or tinctured by partisanship. Doc Riddick was in every sense of the word a scholar. He was quiet, soft spoken, unassuming, and absolutely rock solid. That was Floyd Riddick!

I leaned upon him heavily in my earlier years in the Senate. He was a delight to work with, and I enjoyed his company. He was one of those completely dedicated selfless people who labored for the good of the institution. He loved the institution. He labored for the good of the Senate and for the good of his country.

Robert E. Lee said that the word ''duty'' was the sublimest word in the English language. Dr. Riddick understood what that meant, and, to him, duty was sublime. He was above politics, as I have repeatedly said, he was honorable, and he was entirely above reproach.

Floyd Riddick did not need praise, although he certainly deserved it. He did not covet recognition, although the recognition of his scholarly expertise was widespread. For him, the glory of the work, the glory of serving the Senate, the glory of serving Senators, and through Senators the glory of serving the American people, was enough.

We will long remember Dr. Riddick, those of us who served with him. Whence cometh such another?

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, I ask unanimous consent the Senator from Virginia may proceed as in morning business for such time as I may require.

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

THE SITUATION IN BOSNIA AND KOSOVO

Mr. WARNER. Mr. President, I rise today to address my colleagues on both sides of the aisle with regard to the deepening and very grave concerns I have in my heart about the situation in both Bosnia and Kosovo. I, as many colleagues, travel with some regularity to that region of the world, the Balkans. Just 3 weeks ago, I completed my most recent trip. I had the distinct privilege of being accompanied on that trip by the Supreme Allied Commander of Europe, General Clark, Commander in Chief of NATO Forces, in my travels through Kosovo, and then later the next day with his deputy, Admiral Abbott, as I went into Bosnia.

I have been to this region many times, although I am not suggesting I am any more of an expert than my colleagues. I first went in 1990 with then-leader Robert Dole. We went to Pristina, in Kosovo. I remember our delegation of Senators queried Senator Dole: Why here? Bob Dole instinctively knew that Kosovo could become a battleground. I remember Stephen Ambrose, the historian, was alleged to have quoted Eisenhower when Eisenhower was asked, 10 years after D-day: General, tell us about the next war. And Ike very wisely did not opine, except to say: That war could come as a surprise and may well come from a direction that none of us could anticipate.

In our visit to Kosovo, I and that tried and tested and courageous Bob Dole, a soldier of World War II, were confronted with a totally unpredicted situation while in Pristina. Thousands and thousands of people heard about Members of the U.S. Congress coming to this remote region, and they converged on the hotel. There was panic in the streets and a great deal of disorder. People were being trampled in the crowds, and Senator Dole had to make a wise decision, and a quick one, that we had to exit because we could be responsible for injuries to people, people who wanted to come to see us, people who wanted to tell us about the hardships that were then being inflicted by Milosevic. Indeed, we made a hasty retreat.

But as we went back to our plane, we passed that historic piece of ground, whose origin goes way back, in my recollection, to the 1300s, that field of battle which actually the persons who preceded the governing structure today lost. They lost the war, yet they still consider that hallowed ground. But I remember as we passed that battlefield, Bob Dole said: Tragedy and fighting will visit this land someday.

And that it did. Our Nation's men and women of the Armed Forces, primarily the Air Force, fought a courageous battle: 78 days of combat, tens of thousands of missions together with other nations—seven other nations were flying missions with our Air Force—and eventually the major nations of the world came to an understanding as to how that fighting should stop. It was causing tremendous damage, but there was no other recourse by which we could get the attention of Milosevic.

There are those who say today, in hindsight, perhaps we should not have done this, perhaps we should not have blown up that bridge. When I visited Pristina several weeks ago, someone said: We haven't got power because the power lines were blown out. It was a tough war, and our military commanders made tough decisions; 19 nations got together to make those decisions—a historic first combat by NATO. They made it work. Now they have basically stopped any major fighting and we are down to incidents —fortunately few incidents, but nevertheless dangerous ones.

When I looked into the faces of the young men and women of our Armed Forces, and indeed other armed forces, and actually walked the streets with a patrol, it was clear they were performing duties for which they were never trained in their military careers. Historically, our troops have not in any great measure performed the type of mission they are doing in that region. But they are doing it and doing it very well. They are accepting the risks of getting caught in the crossfire that still erupts as a consequence of the cultural differences, the ethnic hatreds. Indeed, much of the fighting today in Kosovo is Albanian upon Albanian. It is retribution against fellow Albanians because they at one time or another did something to further the Serb interest.

Our troops are there. When you ask those in charge, whether it is the NATO commanders, the U.N. representative, the E.U. representative, or anyone else, no one can give you any time estimate within which our forces can be withdrawn. The infrastructure that was to move in behind in Kosovo, the commitments that were made by a number of nations to provide police, to provide money to pay salaries for the judicial element, to help rebuild the power lines—it is not flowing. It is caught up in bureaucracies, international bureaucracies. It is all but stagnant—all but stagnant.

I met with the commander of all troops, a very competent professional German officer. I met Ambassador Kouchner, who has been designated to pull together the various elements to make this work. We were in a room in the military headquarters. There was no running water. The water pipes were shut off, partially due to freezing and partially due to lack of power. The light bulbs flickered. Ambassador Kouchner pointed out we do not have enough power to keep the homes warm. There was a certain feeling we won the war but we could lose the peace, because the war goes on amongst the bureaucracies, no matter what the good intentions may be to bring forth and reestablish in that war-torn region of Serbia—Kosovo is a part of Serbia—the

infrastructure needed to bring back just a modicum of a normal life.

Foremost in my heart is my deep concern for the men and women of the armed services undertaking missions for which they were not trained. Missions which take them away not only from their families, but take them away from other potential deployments of our U.S. military, a military that is stretched far too thin already.

These men and women of our military need to have some definitization of how much longer we are going to keep significant numbers deployed to Kosovo. That timing is directly tied to the ability and the willingness of other nations and organizations to come in and consolidate the military gains, reestablish an infrastructure—be it judicial, be it police, be it rebuilding, be it a form of government, be it elections—so that the troops can return—ours and others—to their assignments and their bases elsewhere.

A similar situation still exists in Bosnia after these many years. However, let me draw a distinction. After the fighting stopped in Bosnia, the military decided they would locate the troops in heavily protected compounds. They would go out on daily patrols to prevent the eruption of further fighting. So far, that has worked.

Clearly, without any question, the military operations in Bosnia and Kosovo are a great credit to the men and women who fought them, the men and women who planned them, and the men and women who are still there today. That job was done and done well.

In Kosovo, they decided not to concentrate the military, either the U.S. military, or the other militaries. Rather, they were dispersed in the various regions. The U.S. region is the same as the one controlled by the British and the French. They dispersed them right out into the small communities so that men and women of the U.S. Armed Forces, four and five of them at a time, are living in some war-torn house or in a small churchyard where I saw them. Some are just guarding churches because of the incredible desire to destroy churches. That is a whole chapter of this tragedy which someone has to examine. The Albanian forces practically destroyed every church the Serbian people ever used.

Quite different is the military deployment in Kosovo from that in Bosnia, but both have worked. Both were carefully planned, both have a credible measure of success.

In Bosnia, the Dayton accords laid the blueprint. One can argue we should have done this and we should have done that in Dayton. Yes, we knew it could have been better, but we had to get an agreement, and we got the best we could at that time.

One of my concerns is we should go back—not reconvene everybody who was at Dayton—but go back and examine what was right and what proved not to be successful at Dayton and correct it.

The fighting has stopped, and the military provides a security blanket within which the various factions can begin to reestablish that country. Some progress is being made, but by any timetable, that progress is way behind the expectations, given the fighting has been over for several years. It is way behind, again, because of the difficulty of the bureaucracies working to bring in adequate police, and not just the police who perform duties on the streets, but in the case of Bosnia, we need an international police force to investigate and fight the rampant crime.

Beneath the security blanket provided by the men and women of the Armed Forces, organized crime is rampant. It has been said the only thing really organized in Bosnia is organized crime. The various ethnic factions get along very well in the criminal underworld. They have charted their ground.

Yes, things are slowly improving in Bosnia but ever so slowly. There we have independent entities. The U.N. has one area of responsibility, primarily the police; the E.U. another area of responsibility; the OSCE responsibility with regards to elections. However, they each report to different capitals.

I had the Deputy Secretary General of the United Nations in my office yesterday. He is in charge of peacekeeping all over the world. He made clear how the four basic entities in charge of bringing about the restoration of Bosnia all have different reporting channels. There is no central authority that works today for the greater betterment of that region.

What has happened? You still cannot get a definitive date from anybody as to when the American troops and other troops can be withdrawn.

I say it is time the Congress of the United States should step up. We are a coequal branch of our Government. This body has time and time been called upon to vote for funds, for resolutions, and other legislative initiatives with regard to the Balkan situation. Now it is time for us to take a look at the constant flow of the American taxpayers' money and say: Is America going to keep its spigot flowing when, at the same time, other nations are not meeting their financial commitments or obligations?

If I can digress for a moment, I have studied this situation, I have talked with innumerable people, I have traveled to this region. The Balkan situation is the most difficult problem and a matrix of diversified responsibility and commitment I have ever tried to get my arms around. As soon as I feel I have one body of fact on which I can rely and reach a decision, another person will come along and say: No, it's different than that.

I have tried in this set of remarks to outline how I understand the situation to be in Bosnia and Kosovo. But I rise today to say to the Senate that it is my intention, when the piece of legislation we anticipate will be coming through soon, the supplemental—the supplemental has $2 billion—can I repeat that?—$2 billion associated with our obligations, military and otherwise, in just Kosovo. I think it is time we stated our intention as the Congress of the United States to allow the first part of those funds to flow—I will refine the language eventually—but to have a stopping point when we take a pause and we say to our President respectfully: Mr. President, no further funds of the $2 billion will flow until you can come back and give us some type of assurance, certification, or otherwise, that the other nations are living up to their commitments. That should get the attention of the other nations. I say most respectfully, that should give our President some leverage to deal with these other nations.

I am not alone on this. I have talked to a number of colleagues. As I say, my language is not refined at this point. I welcome suggestions. I welcome those who can contribute facts where I may be in error with regard to some of the statements I make today. In good conscience, I tried to check out everything. But, as I say, getting your arms around this problem is not easy. Getting the body of facts is difficult. Indeed, others have worked as hard as I have.

Collectively, let us bring together our judgments as to how best and by what mechanism we can assert our responsibility under the Constitution—as the coequal branch, as those who control the purse strings of the U.S. Government—to string this purse of $2 billion such that our President can expend what has to be expended in the next 90 days, following adoption by the Congress, but that there comes a time when accountability steps in.

Our President has to explain to the Congress what he has done, what remains to be done, and hopefully some prospects of when these situations in both Bosnia and Kosovo can be brought to a state of affairs where the infrastructure allows the significant withdrawal of our troops and, indeed, troops of other nations.

It may well be that the United States—we took a major role in the war in Kosovo, a major role in the war in Bosnia—could turn over such balance of troop responsibilities as may remain in, say, a year, 18 months, to the Europeans. They are quite anxious, under NATO, to establish their own organization militarily to do certain things in the event NATO, for one reason or another, decides not to do them. This might be their first challenge.

I see on the floor the distinguished leader of our NATO group in the Senate, the Senator from Delaware. We just met with the British Foreign Secretary on this very question. This might be an opportunity to test that new military structure. I have concerns about that and how it might have long-term effects on the weakening of

NATO, but for the moment I give those who propose it the benefit of the doubt. It has not been completely refined yet, this concept, nor implemented. So that is another question for another day.

The reason for my addressing the Senate today is my deep concern for the welfare of the men and women of the Armed Forces of the United States who are going through a winter far more severe than anything we have experienced here, certainly in the area of the Nation's Capital. And every day they could be subject to someone looking down a gun barrel, perhaps not firing in anger at them or the troops of other nations but firing in anger at someone else because of the persistent ethnic hatred that remains.

I say most respectfully, we have a duty in this institution to assert ourselves as to the timetable committed to by other nations with regard to their support in both Bosnia and Kosovo which, up to this point, has not been met. We should do everything within our power, and working with our President, to see that that is done.

Mr. President, simply put, the United Nations, the European Union, and the OSCE are not doing the job they committed to do—in a timely manner—in Bosnia or Kosovo. The successful NATO-led military operations in Bosnia and Kosovo were undertaken—at personal risk to our troops, and those of other nations, and with billions of dollars in cost to the American taxpayer—with the express understanding here in America that the UN and others would promptly move in behind and consolidate the gains. Now, as a result of little consolidation, U.S. troops—and troops from over 30 other nations—remain in Bosnia over four years after the end of that war, and are facing indefinite deployments to both Bosnia and Kosovo.

Personal bravery and international bonds of commitment won the wars in the Balkans; but, will the slow pace of follow-on actions result in a loss of peace?

During a Senate Armed Services Committee hearing on February 2, when NATO commander General Clark was the witness, I first signaled my intention to take legislative action, in connection with the upcoming Kosovo Supplemental to be proposed by President Clinton, to revitalize the near stagnant situations in both Bosnia and Kosovo. I addressed this subject again this past Tuesday, during the Committee's annual hearing with the Secretary of Defense and the Chairman of the Joint Chiefs on the budget request.

I am considering a variety of options, including tying U.S. military funding for these operations to demonstrable progress by the UN, the EU, and the OSCE in fulfilling their commitments to rebuild the civil society in Bosnia and Kosovo; or requiring the withdrawal of U.S. troops by a time certain—perhaps in 18 months—and leaving the military occupation in Bosnia and Kosovo to European leadership. In the coming days, I intend to continue to consult with my colleagues in the Senate, and others in the Administration and outside of government, on this initiative. From my initial discussion with my colleagues I have to say, support is growing for my concept.

Congress has a co-equal responsibility with the Administration, and we now must exercise leadership, hopefully with concurrence by the Administration. This situation just cannot continue. Other nations and organizations will have to follow through on their commitments, the parties in the region will have to start cooperating with international authorities and taking on more responsibility for the fate of their region and their people.

The U.S. military will not stay there forever. The United States has far too many commitments around the world, our military is stretched too thin as it is; we cannot have a decades-long military deployment to the Balkans.

We, together with other nations, went into Bosnia and Kosovo with the best of intentions—to stop the slaughter of tens of thousands of innocent people, to restore peace and stability to the region, and to help the people of the Balkans rebuild lives shattered by war and ethnic cleansing. But what has the coalition achieved? Our military forces have done their job. We have stopped the fighting, but precious little other progress has taken place. As one official said to me in Bosnia, ''We have stopped the fighting, but the war goes on.'' Four years after the Dayton Accords ended the war in Bosnia, little progress has been made in rebuilding that country. The economy is stagnant, police forces are inadequate and ineffective even to deal with routine criminal activity—much less the growing problems of organized crime, the judicial system is far from ready, only crime and corruption are growing. In fact, I was told by a senior UN official in Bosnia that the only truly organized, multi-ethnic institution in Bosnia is organized crime. Regrettably, a similar situation is rapidly developing in Kosovo.

At this point, I would like to mention a positive event that has occurred in the region, the recent elections in Croatia. However, at this point, it remains to be seen if those elections will translate into similar positive events in Bosnia and Kosovo.

Since the timing of the departure of U.S. and allied troops from both Bosnia and Kosovo is directly linked to the progress—or lack of progress—that the UN and others make in achieving their goals, I am gravely concerned with the current situation. Clearly, the military has fulfilled its mission—namely, to provide a secure situation in Bosnia and Kosovo. In sharp contrast, the UN, the EU, the OSCE and others are not living up—in a timely manner—to the commitments they made to consolidate the gains made by the military.

Even though I have had a long association with the situation in the Balkans—having traveled regularly to the region since first visiting Kosovo in September 1990 with then-Senate Majority Leaders Bob Dole and others, and being the first U.S. Senator to go to Sarajevo during the war, in September 1992—I was, quite frankly, distressed by what I saw during my last visit in January.

Let me be clear—our troops, along with the troops from over 30 other nations that have joined the NATO-led operations in Bosnia and Kosovo, performed magnificently in their military missions. They are, today, conducting a wide variety of assignments, and doing an outstanding job. The U.S. troops I met in Bosnia and Kosovo are among the finest I have encountered in my 30-plus years of public service in working with military organizations throughout the world. They are well-trained, motivated and enthusiastic about what they are doing to help the people of Bosnia and Kosovo. Simply put—they have achieved their mission. To the extent possible, given the continued ethnic animosities, the military has stopped the large-scale fighting and has created a safe and secure environment, from a military perspective, in both Bosnia and Kosovo. However, unacceptable, dangerous levels of criminal activity continue, and put our troops at constant risk.

So, why are our troops still in Bosnia over four years after they were first deployed? Why is there no end in sight in Kosovo? The reason is that the United Nations, the EU and other international organizations charged with the responsibility of rebuilding the civilian structures in Bosnia and Kosovo are simply not doing their job. This situation has to change.

Yesterday, I had the opportunity to communicate this message directly to Bernard Miyet, the Under Secretary General for Peacekeeping Operations at the United Nations. We had a lengthy discussion regarding Bosnia and Kosovo and I conveyed to him my extreme concern with the situation there, in particular the slow pace with which the United Nations, European Union and other international organizations are fulfilling their promised assistance to the region.

Foreign donors must deliver, immediately, on their promises of international police so that NATO soldiers can get out of the business of policing. Our troops are not trained to perform these tasks, and it should not be part of their mission. The United States has made a major contribution of 450 police for Kosovo and is about to increase its commitment. Others, particularly the Europeans, have to do their share by providing the necessary police forces.

Secretary Cohen delivered that message to our European allies this past weekend, at the annual Wehrkunde Conference. According to Secretary Cohen,

> To date there has been a clear failure by participating nations to provide the UN with

sufficient numbers of police for public security duties in Kosovo, with a significant disparity in the amount of support provided by different Alliance members. Indeed, the number of police deployed is roughly half of what was planned. As a result, KFOR soldiers, who are trained to fight wars, are working as policemen, a job for which they have not been trained and should not be asked to perform indefinitely.

I agree.

We must be mindful of the fact that the United Nations and other international organizations can only succeed if the nations comprising these organizations contribute the needed resources.

In Kosovo, the UN needs the money to do the job. Only a small portion of the money pledged at last November's donors conference for Kosovo's budget has actually been delivered. This is the money that pays the salaries for teachers, judges, and street sweepers—the people who make Kosovo work and whose loyalty the United Nations Mission in Kosovo (UNMIK) needs if it is to succeed. The Europeans and others have to carry their weight and deliver on their commitments.

I am particularly concerned with the performance thus far of the European Union. The EU has taken on the primary responsibility for the reconstruction of Kosovo. This is a job to which the EU committed—in recognition of the fact that the United States bore the lion's share of the cost of the war. Unfortunately, it is not quite working out as planned.

Last fall, the EU committed almost $500 million for reconstruction. Recently, the European Parliament reduced that commitment to less than $200 million, questioning Kosovo's ''absorption capacity.'' It now appears that there is a serious chance that even this reduced EU commitment will not arrive in time to make a difference.

I would like to quote from the excellent statement made by the Ranking Member of the Armed Services Committee, Senator LEVIN, during last week's Committee hearing with General Clark:

It is vitally important for the international community and particularly the nations of Europe to provide the funding and the civilian police that are so necessary if these missions (in Bosnia and Kosovo) are to be successful . . . The European Union can talk about a goal of greater Euoprean military strength—a stronger European pillar within NATO. But the first test is whether it will meet the responsibilities they have already accepted of providing $36 million and civilian police for Kosovo. On my scorecard, they are flunking the test.

The distinguished Ranking Member and I agree.

And again, during last Tuesday's hearing, Senator LEVIN reiterated and strengthen his message from last week by saying, ''There is a requirement (in Kosovo) for 6,000 civilian police, but less than 2,000 have been provided. We have provided our share but others have failed, and that failure endangers our troops and the success of our mission. Civil implementation of the cease fire is in real jeopardy and will fail unless a sufficient number of international civil police are put on the ground promptly by the Europeans. The European Union can talk all it wants to about its plans to provide a militarily strong European pillar within NATO under the European Security and Defense Identity. But that is just rhetoric. The reality is their failure to meet their current commitments in Kosovo.''

Since NATO troops were first deployed to Bosnia in December of 1995, the United States has spent almost $10 billion dollars to support our military commitment of troops to that nation. We have spent an additional $5 billion in Kosovo for the air campaign and the deployment of U.S. KFOR troops. The annual price-tag for these military commitments is $1.5 billion for Bosnia and $2 billion projected for Kosovo. This is an obligation for the American taxpayer.

In addition to these significant sums of money, I am concerned about the safety and welfare of the men and women of our Armed Forces, and the Armed Forces of the other nations, who every day patrol the towns and villages of Bosnia and Kosovo, subjecting themselves to substantial personal risk while performing duties traditionally not performed by military personnel.

As I said earlier, our troops have performed their mission—they have created a safe and secure environment, as I previously indicated. But the UN and other elements of the international community have not filled in behind our troops to perform their mission. The results is that our troops are forced to fill the vacuum, preforming missions for which they were not trained—acting as mayors, policemen, arbiters of disputes, large and small. I was told of U.S. troops who were guarding two old Serb women who did not want to leave their home, which happened to be in an Albanian village. I saw three U.S. soldiers guarding a Serb church in an Albanian section of Kosovo. We must ask ourselves, are these jobs our troops should be performing today, tomorrow or for an indefinite period, as is now projected? These are commendable, humanitarian objectives which should be assumed by entities other than the Armed Forces.

In Kosovo—as is the case in Bosnia—there is a level of hatred—personal, ethnic and religious—that is simply beyond our comprehension. When I was in Kosovo in January, I was told that most of the violence in Kosovo is now Albanian on Albanian violence. I find this troubling. The United States and our NATO allies went into this region for the purpose of stopping and reversing the ethnic cleansing of Albanians by Serbs. But what has been a consequence of our involvement? While hundreds of thousands of Albanians have returned to their homes, tens of thousands of Serbs have been driven from Kosovo—the result of attacks by returning Albanians. Now that the Serb population of Kosovo—such as it is—has been isolated in small pockets of the province, we are seeing growing violence by Albanians against fellow Albanians, simply for their past or present association with Serbs. In the town of Vitina, I was shown a store, owned by an Albanian, which had been bombed 2 days before our arrival. Why? The Albanian shopkeeper had purchased property from a Serb—he was a ''collaborator'' in the minds of hardline Albanians.

Is it realistic for us to think that these people can ever live together peacefully? Or are we wasting our time and money—and needlessly risking the lives of our people—trying to achieve the goal of a multiethnic society for Bosnia and Kosovo?

I believe that we have reached that point in time when it is the responsibility of the Congress to take action—to reexamine the goals, their achievability, and what appears to be our open-ended involvement in Bosnia and Kosovo for an undetermined period of time.

The PRESIDING OFFICER: The Senator from Delaware.

(The remarks of Mr. ROTH pertaining to the submission of S. Con. Res. 81 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.)

The PRESIDING OFFICER. The Senator from New York.

BLOCK GRANTS IN EDUCATION

Mr. SCHUMER. Mr. President, I rise to express my strong opposition to the use of block grants in education spending.

First, education is clearly the No. 1 issue this body, our Government, and our country will face in the next decade. We have huge educational problems. We are now an ideas economy. Alan Greenspan put it best. He said: High value is no longer added by moving things but by thinking things, that it is an idea that produces value.

In that kind of time and place, what could be more important than education? In an ideas economy, for America to have a mediocre educational system, which is what we have now, is a very real crisis. If we continue to be rated 15th, 16th, 17th among the educational systems of the OECD Western countries, the 22 countries in North America, Asia, and Europe, we are not going to stay the greatest country in the world by the time 2025 or 2050 rolls around. Fortunately, because of our democratic system and our free enterprise system, because of the great entrepreneurial nature of America, because we accept ambitious and intelligent people from all over the world to come here and grow and prosper, we have a little lead time but not much.

Our educational system is at a critical point. Over the next decade, for instance, high school enrollment will increase by 11 percent. Schools will need

to hire 2.2 million public schoolteachers. Over 50 percent of the teachers are over 50 years old. Every day more than 14 million children will attend schools in need of extensive repair and replacement, and 12 percent of all newly hired teachers who enter the workforce will enter without any training at all. That will be even higher in math and science, computer science, engineering, and languages, the kinds of things for which we need people.

So with the crisis upon us, all of a sudden we have a new proposal: a block grant. A block grant is exactly what we don't need to improve the educational system. A block grant is something that gives the school districts more money and doesn't direct them on how to spend it.

I find there is a contradiction among so many of my friends who are strong advocates of block grants. They say the educational system is poor. I agree in many instances. They say we spend too much money and waste too much money on education. Then they say: Give those same localities, without any direction, more money.

They can't have it both ways. Either the localities are doing a good job and need more money, which they are not professing because they really don't think they need more money, or the localities are doing a bad job and to give them more money makes very little sense at all.

The notion that we should take Federal dollars, which have been used to raise academic standards, reduce class size, recruit new teachers, hold schools accountable, and send them in an unmarked paper bag to the Governors breaks our commitment to help communities and parents across the country. Block grants are a blank check from the Federal Government. They fundamentally make no sense. They are bad government policy.

I am sure many of my colleagues on the other side of the aisle would agree with me that to separate the taxing authority and the spending authority makes no sense. The spending authority for that spending, if they don't have to raise the taxes, painful as that is, is not going to spend it as wisely as somebody who knows how important those dollars are.

Sometimes I think we would be a lot better off eliminating the block grant program and giving the money back to the taxpayers rather than the Federal Government taxing and then giving this blank check to the locality and letting them spend it.

A block grant is poor government policy to begin with because it separates the spending power from the taxing power. In education, it is even worse. We hear clamor in the land that the local school districts are not doing a good job. I have sympathy for those local school districts. First, they are so busy minute to minute and day to day trying to run a school system. They are up to their necks. Second, their only spending power is from the property tax—justifiably the most hated tax in America—so they can't raise new dollars.

I have sympathy for those local school districts, but we all agree they are not doing as good a job as they might. The irony is that my colleagues from the other side of the aisle would probably say it is not more money. It is wasted money. Yet here we are, giving them more money.

In today's global ideas-based economy, we cannot afford to have an atomized educational system. Instead, the trend must be for local, State, and Federal governments to work together with families and communities. What is very interesting about any public good is that there is no capitalism. Good ideas don't spread on their own. If someone invented a new heart valve in San Diego, it would spread to Boston in an hour. Why? Someone would sell it. That is what America is all about. But when a new educational innovation develops in one school district, it doesn't spread, frankly, because there is no capitalism.

The appropriate role of the Federal Government in education is to find what works and, on a matching grant basis, say to the locality, this is a program that works. We will pay half or three-quarters of the cost because we know you are strapped based on these high property taxes. You pay some and use it. We are not requiring you to use it. I don't like mandates. We are giving you the opportunity to use it because we have seen it works in some areas.

When I was working on the crime bill, this is what we did. We found there were, again, programs that worked.

Community policing: Wichita, KS, had developed community policing and done it well. But it hadn't spread to Topeka. So I put in a bill when I was chairman of the Crime Subcommittee in the other body and I said let's give the localities money to do community policing on a matching grant basis. The President came in, and in his usual intelligent and astute way on these matters, said let's call it ''100,000 cops on the beat.'' So we did and it has worked. It changed policing in America.

Without that program, we would not have had community policing. But the Federal Government played the appropriate role—finding a good idea, giving money as an incentive to help spread the idea—not 100 percent; that is a bad idea, not even 90 percent. Then it is like a block grant with no strings attached and money gets wasted. And then they let it happen. It is not bureaucracy that is the problem in Federal aid to education, as some who support the block grant would say. Only one-half of 1 percent of Federal aid to schools is spent on administration. The States use an additional 4 percent. All the rest, 95½ percent, goes to local school districts. It is not bureaucracy at all. In fact, the claims of those who spin stories of a grand Federal education bureaucracy ring hollow. In a letter written to the President by the House Committee on Education in the Workforce in 1997, the committee majority listed 760 so-called educational programs. They said we have too many. Combine them.

Look at the programs they call ''educational'' programs: Boating safety financial assistance, Air Force defense research sciences, biological response to environmental health hazards, financial assistance for the Nuclear Regulatory Commission.

Those are not educational programs. In truth, the Federal Government provides, on average, only 7 percent of all K-through-12 educational funding. It is the State and local communities that should and do maintain control over educational priorities. But what Washington can do is help communities meet certain reform priorities when their budgets are stretched too thin. Again, if the system isn't working, why give more money with no strings attached to the very localities that we think can do better? Why not do it in a way that directs them? Sure, the local school board wants free money. Fine. Let them raise taxes and do it for themselves. Don't let us put more burden on the Federal taxpayers to do it.

Proponents of the block grants argue strenuously that control should be returned to the localities. But the irony here is the block grants would not return power to the communities; rather, it shifts control of the Federal funding away from parents and communities and gives it to politicians—Governors and the State legislature. This is the antithesis of local control.

What I would like to do before I conclude is look at a couple of examples of block grant proposals. The Straight A's Act gives the States and the Governors the authority to combine into a block grant Federal funds from 10 educational programs. More than 80 percent of all Federal support to elementary and secondary education will be included in the block grant. This sounds to me like LEA. I remember Law Enforcement Assistance—a block grant to law enforcement. That is the area in which I have the most expertise. Do you know what they did when no strings were attached? One police department bought a tank; another police department bought an airplane to take the police officers back and forth to Washington—I think it was a jet—all with block grant money. If we do this Straight A's Program, we will be back on the floor of the Senate a year or two later pointing out horror stories of how the taxpayers' money was wasted.

Under Straight A's, parents, teachers, principals, and school boards would no longer have a say in how the Federal dollars are spent. Schools would no longer be accountable for results and national priorities, such as funding for the neediest students and better teachers. New school buildings could be put aside for more salaries for administrators. If this program gets straight

A's, I would like to see what the curve is in that classroom.

The Senate Health Committee intends to mark up a reauthorization of the Elementary and Secondary Education Act in the next few weeks. I am concerned to learn that the bill currently includes a block grant for teacher quality and professional development, programs to reduce class size and Goals 2000. Yes, we need qualified teachers and smaller classes. They produce the best results for children. But with the committee bill, there is no guarantee that class size reduction or teacher development will be done well, or even done at all.

I ask my colleagues to look at the proposal that Senator KENNEDY is putting together. His leadership on this issue has been extraordinary. His proposal does not intend to dictate to localities what they must do or impose new mandates on localities. Rather, it says, here are our Federal priorities; do you want to be part of them? They include smaller class size and new school construction. Fine. You are going to match our dollars. If you don't want to be part of them, keep doing the same old thing, but not with Federal dollars, Federal taxpayer money, which gives you a free ride.

I hope my colleagues will look at Senator KENNEDY's proposal and will examine the folly of block grants. I look forward to the debate that may come on education in the near future.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent to speak for 3 minutes, and in the normal routine to return to Senator MURKOWSKI from Alaska.

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

NUCLEAR WASTE POLICY AMENDMENTS ACT

Mr. DOMENICI. Mr. President, yesterday, I commented on the Nuclear Waste Policy Act amendments. I thought then, and I think today, there are a few remarks that I probably ought to make aside from complimenting the distinguished Senator for his untiring efforts to address nuclear waste in a logical and sensible way.

Mr. President, I rise to compliment Senator MURKOWSKI's leadership on the Nuclear Waste Policy Amendments Act. I appreciate his efforts to enable progress on the nation's need for concrete action on spent nuclear fuel.

I find it amazing how fear of anything in this country with ''nuclear'' in its title, like ''nuclear waste'', seems to paralyze our ability to act decisively. Nuclear issues are immediately faced with immense political challenges.

There are many great examples of how nuclear technologies impact our daily lives. Yet few of our citizens know enough about the benefits we've gained from harnessing the nucleus to support actions focused on reducing the remaining risks.

Just one example that should be better understood and appreciated involves our nuclear navy. Their experience has important lessons for better understanding of these technologies.

The *Nautilus*, our first nuclear powered submarine, was launched in 1954. Since then, the Navy has launched over 200 nuclear powered ships, and about 85 are currently in operation. Recently, the Navy was operating slightly over 100 reactors, about the same number as those operating in civilian power stations across the country.

The Navy's safety record is exemplary. Our nuclear ships are welcomed into over 150 ports in over 50 countries. A 1999 review of their safety record was conducted by the General Accounting Office. That report stated: ''No significant accident—one resulting in fuel degradation—has ever occurred.'' For an Office like GAO, that identifies and publicizes problems with government programs, that's a pretty impressive statement.

Our nuclear powered ships have traveled over 117 million miles without serious incidents. Further, the Navy has commissioned 33 new reactors in the 1990s, that puts them ahead of civilian power by a score of 33 to zero. And Navy reactors have more than twice the operational hours of our civilian systems.

The nuclear navy story is a great American success story, one that is completely enabled by appropriate and careful use of nuclear power. It's contributed to the freedoms we so cherish.

Nuclear energy is another great American success story. It now supplies about 20 percent of our nation's electricity, it is not a supply that we can afford to lose. It's done it without release of greenhouse gases, with a superlative safety record over the last decade. The efficiency of nuclear plants has risen consistently and their operating costs are among the lowest of all energy sources.

I've repeatedly emphasized that the United States must maintain nuclear energy as a viable option for future energy requirements. And without some near-term waste solution, like interim storage or an early receipt facility, we are killing this option. We may be depriving future generations of a reliable power source that they may desperately need.

There is no excuse for the years that the issue of nuclear waste has been with us. Near-term credible solutions are not technically difficult. We absolutely must progress towards early receipt of spent fuel at a central location, at least faster than the 2010 estimates for opening Yucca Mountain that we now face or risk losing nuclear power in this country.

Senator MURKOWSKI's bill is a significant step toward breaking the deadlock which countries to threaten the future of nuclear energy in the U.S. I appreciate that he made some very tough decisions in crafting this bill that blends ideas from many sources to seek compromise in this difficult area.

One concession involves tying the issuance of a license for the ''early receipt facility'' to construction authorization for the permanent repository. I'd much prefer that we simply moved ahead with interim storage. An interim storage facility can proceed on its own merits, quite independent of decisions surrounding a permanent repository. Such an interim storage facility could be operational well before the ''early receipt facility'' authorized in this Act.

There are absolutely no technical issues associated with interim storage in dry casks, other countries certainly use it. Nevertheless, in the interests of seeking a compromise on this issue, I will support this Act's approach with the early receipt facility.

I appreciate that Senator MURKOWSKI has included Title III in the new bill with my proposal to create a new DOE Office of Spent Nuclear Fuel Research. This new Office would organize a research program to explore new, improved national strategies for spent nuclear fuel.

Spent fuel has immense energy potential—that we are simply tossing away with our focus only on a permanent repository. We could be recycling that spent fuel back into civilian fuel and extracting additional energy. We could follow the examples of France, the U.K., and Japan in reprocessing the fuel to not only extract more energy, but also to reduce the volume and toxicity of the final waste forms.

Now, I'm well aware that reprocessing is not viewed as economically desirable now, because of today's very low uranium prices. Furthermore, it must only be done with careful attention to proliferation issues. But I submit that the U.S. should be prepared for a future evaluation that may determine that we are too hasty today to treat this spent fuel as waste, and that instead we should have been viewing it as an energy resource for future generations.

We do not have the knowledge today to make that decision. Title III establishes a research program to evaluate options to provide real data for such a future decision.

This research program would have other benefits. We may want to reduce the toxicity of materials in any repository to address public concerns. Or we may find we need another repository in the future, and want to incorporate advanced technologies into the final waste products at that time. We could, for example, decide that we want to maximize the storage potential of a future repository, and that would require some treatment of the spent fuel before final disposition.

Title III requires that a range of advanced approaches for spent fuel be studied with the new Office of Spent Nuclear Fuel Research. As we do this,

I'll encourage the Department to seek international cooperation. I know, based on personal contacts, that France, Russia, and Japan are eager to join with us in an international study of spent fuel options.

Title III requires that we focus on research programs that minimize proliferation and health risks from the spent fuel. And it requires that we study the economic implications of each technology.

With Title III, the United States will be prepared, some years in the future, to make the most intelligent decision regarding the future of nuclear energy as one of our major power sources. Maybe at that time, we'll have other better energy alternatives and decide that we can move away from nuclear power. Or we may find that we need nuclear energy to continue and even expand its current contribution to our nation's power grid. In any case, this research will provide the framework to guide Congress in these future decisions.

Mr. President, I want to specifically discuss one of the compromises that Senator MURKOWSKI has developed in his manager's amendment. In my view, his largest compromise involves the choice between the Environmental Protection Agency or the Nuclear Regulatory Commission to set the radiation-protection standards for Yucca Mountain and for the ''early release facility.''

The NRC has the technical expertise to set these standards. Furthermore, the NRC is a non-political organization, in sharp contrast to the political nature of the EPA. We need unbiased technical knowledge in setting these standards, there should be no place for politics at all. The EPA has proposed a draft standard already, that has been widely criticized for its inconsistency and lack of scientific rigor—events that do not enhance their credibility for this role.

I appreciate, however, the care that Senator MURKOWSKI has demonstrated in providing the ultimate authority to the EPA. His new language requires both the NRC and the National Academy of Sciences to comment on the EPA's draft standard. And he provides a period of time, until mid-2001, for the EPA to assess concerns with their standard and issue a valid standard.

These additions have the effect of providing a strong role for both the NRC and NAS to share their scientific knowledge with the EPA and help guide the EPA toward a credible standard.

The NRC should be complimented for their courageous stand against the EPA in this issue. Their issuance of a scientifically appropriate standard stands in stark contrast to the first effort from the EPA. Thanks to the actions of the NRC, the EPA can be guided toward reasonable standards.

Certainly, my preference is to have the NRC issue the final standard. But I appreciate the effort that Senator MURKOWSKI has expended in seeking compromise in this difficult area.

By following the procedures in the manager's amendment, we can allow the EPA to set the final standard, guided by the inputs from the NRC and NAS. Thus, I will support the manager's amendment.

Mr. President, I want to thank Senator MURSKOWSKI for his superb leadership in preparing this new act. We need to pass this manager's amendment with a veto-proof majority, to ensure that we finally attain some movement in the nation's ability to deal with high level nuclear waste.

We hear so much in the United States about how dangerous nuclear power is, how dangerous these fuel rods are that come out of the reactors, how dangerous nuclear reactors are, and I thought I might share with whomever is interested a bit of information about how safe nuclear powerplants are.

In this country, when we talk about moving some of the nuclear waste from one State to another, people get up in arms and they want to march down the streets because they are frightened to death that something is going to happen if this nuclear waste moves down the streets, the roads, the highways, or whatever. I thought I might share a series of facts with you that might make you think a little bit.

First, the U.S. Navy launched the first nuclear-powered submarine in 1954. We put a nuclear reactor in a submarine and we sent the submarine all over the oceans of the world, and nothing ever happened to anyone. Since then, the Navy has launched 200 nuclear-powered ships, and about 85 are currently in operation. In other words, 85 of the U.S. Navy's best and biggest warships are on the high seas with a nuclear reactor—in some cases two reactors—on board. Were something to happen, it would permeate and go right through the water. But guess what. Nothing has ever happened to anyone. Guess what else. Every major port in the world accepts America's Navy ships with nuclear reactors on board generating power to run that ship. Nobody seeks to say: You better keep these away from our port because there are a lot of other ships around here.

Why is that, I wonder? Why are we on the floor of the Senate almost whipped up to a lather of fear about moving high-level waste from some State in middle America to some State in western America and we have 85 nuclear-powered U.S. Navy ships, from battleships on down, moving around the high seas and docking at various ports everywhere? Nobody has a sign up. Nobody is frightened. Nothing has ever happened. And guess what. Because it was too good to be true, somebody said to go out and find out something about them; they must be hurting people with all these nuclear reactors.

So the GAO went out and did an extensive and exemplary study about what they had done and not done. Guess what they found. This is a 1999 review. ''No significant accidents. One resulting in fuel degradation has ever occurred.'' For an office such as the GAO that identifies public problems with Government programs, that is a pretty impressive statement.

Our nuclear-powered ships, I say to Senator MURKOWSKI, have traveled over 117 million miles on the high seas of the world. Nobody has said we don't want them on the high seas because they have a nuclear powerplant in them because they are safe as safe can be. Yet when it comes to us here in America we wonder whether we can transport some nuclear waste 200 miles. If we aren't technically sound enough, if we are not smart enough, if we are not engineered and qualified to be able to move something such as this 200 or 300 miles when the Navy has been moving reactors on the high seas 117 million miles—they have commissioned 33 new reactors in the 1990s. Just think of that. That puts them ahead of the civilian power by a score of 33 to 0. Because we have frightened ourselves to death, we will not even license a new nuclear powerplant in the United States.

We surely are proud as proud can be when we see a great big American battleship or aircraft carrier floating on those high seas with all those Navy guys on board. What do they have? Some of them have two nuclear powerplants in the hull loaded with the same kind of waste product about which we are so worried. The distinguished Senator from Alaska is saying: Why don't we just move that and put it in a place where it can be stored? No one else in the world who is involved in nuclear power has tied the future of nuclear power and nuclear use to the ultimate disposition of the high-level waste residue in a permanent underground facility from whence it can never be extracted and for which the technical requirements are so severe in terms of making sure it lasts for 100,000 years—or whatever the number is—that we are never going to get it done. It is amazing. It is just amazing.

The country of France gets 87 percent of its electricity from nuclear power. They still do not have a plan to put the nuclear waste away permanently because they are not frightened about it. They trust their intelligent, enlightened leaders, who currently have it in gymnasiums about the size of high schools. That is where it is stored. You can walk on top of it where it is stored and nobody is worried about anything. Here we are debating whether we could have a temporary storage facility—as the country that invented it, as the country that engineered it, as the country whose great nuclear physicists invented the notion and came up with the idea of how to power-generate it, and we sit, except for the U.S. Navy, letting the rest of the world just pass us by.

The Senator from Alaska will never get the credit he deserves for trying to

get this little site, this temporary facility. He will never get the credit. People are thinking we are trying to pull something over on them; we might be hurting people; we are just trying to get it out of one site and hide it someplace else.

There are 85 U.S. Navy ships, I remind everybody one more time, of all sizes, including battleships, aircraft carriers, and some with two nuclear powerplants on them. As we stand right here, they are floating around on the high seas where the water is all fissionable. If you are in this part of the Atlantic, the water will eventually end up over here miles away, and nobody is lodging serious complaints. They may say we don't want the U.S. Navy around for some other reason. And thank God we have them. But they are in ports everywhere. They don't take the nuclear powerplant out before they come into a port. Right? They don't have three kinds of motors around. They may have a couple of auxiliary motors. But the nuclear powerplants are right there on board.

I thought I would just state that part of my statement which I put in the RECORD yesterday because it is so obvious to me that we are being so foolish in tying the ultimate disposition of the high-level waste generated by 20 percent of our electrical powerplants, which are nuclear, to a policy that says unless and until we find a place to put that underground at Yucca—wherever it is in Nevada—forever we will not continue with nuclear power.

I believe it is so shortsighted and based on such an insignificant set of scientific facts that it is almost as if America just wouldn't do something such as that. But we are doing it. There were letters circulating yesterday that the proposal of the Senator from Alaska would not be helpful; in fact, it would hurt people. I don't think I have to repeat. I think I have made the case.

What would the world be doing if in fact nuclear reactors were that unsafe and U.S. Navy ships want to dock to let their Navy men go on shore for a while and then get on with something else? I do not believe they would be saying: Have we found a place to put the nuclear waste that is coming in on that new battleship that you are generating? Have you found a place to put it away forever? I think they would say: Gee, there is no risk at all involved. It is a pretty good venture. We are glad to have you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, let me thank my good friend from New Mexico, the chairman of the Budget Committee. We had a chart that we used in the debate. That chart showed the 40 States that had the accumulated waste—80 sites in 40 States. I wish I would have added the 85 nuclear ships that are traversing the ocean because the Senator from New Mexico is quite correct. That is something we don't talk much about. It works. The Navy, obviously, has the expertise that has been developed over a long period of time. When those submarines or surface ships are taken out of active duty, reactors are removed. That waste is taken and stored at various areas in the country. Chicken Little was suggested around here today; the world is coming down. It doesn't have to come down. It is the emotional arguments that prevail without any sound science.

I appreciate the input of my good friend and his commitment to the obligation that remains unresolved.

HEATING OIL PRICES

Mr. MURKOWSKI. Mr. President, I would like to address very briefly a couple of issues. One is the issue of the high cost of heating oil, particularly in the Northeast corridor at this time. I know my colleagues from the Northeast are looking for relief. Perhaps I could enlighten them to some extent on the reasons behind why prices are high and why stocks are low.

I think it is important to recognize a couple of basic facts that underline the whole question; that is, understanding the crude oil and heating oil relationship.

There are some who suggest we have a shortage of crude. That is the reason we have higher prices for heating oil. Factually, however there is no refinery in this country that has been short of a supply of crude oil during this crisis. The problem is the refineries have been cutting a different mix of product. They cut heating oil. They cut gasoline. They cut diesel fuel as well as other hydrocarbons. They have begun to cut other mixes instead of heating oil. So if they change the mix and reduce gasoline for heating oil, that could give some relief, but it may ultimately result in a shortage of gasoline during peak usage in the coming months.

The basic difficulty is coupled with the fact that the inventories were low. That is perhaps the fault of the industry. But while the inventories were low, the crucial problem is the storage areas for these stocks were reduced dramatically. What do I mean by that? I mean the tanks around the metropolitan areas that are conventionally used to store the heating oils, the gasolines, and so forth.

In the case of New York, petroleum bulk storage capacity has declined 15 percent over the past 5 years. Why? According to testimony the other day from New York State officials on heating oils, this is a consequence of tighter environmental controls that suggest these old storage areas are inadequate or a danger to the environment. That may well be the case. However, the reality is we reduced our storage and as a consequence we don't have the inventory of heating oils that we would have had if we had the storage available.

I am not suggesting that people from New York or anywhere else don't need strong environmental regulations. They do. But we have to understand how we got into this predicament. That is the reason why the inventories are down.

Some say the answer is to open up SPR, a strategic petroleum reserve in Louisiana. We need to recognize we don't have a shortage of crude oil at the refineries, and if we further understand that in SPR there is no heating oil—it is not refined oil, it is crude oil; therefore, by taking oil out of SPR and take it to the refinery, we will displace what the refinery is already refining to accommodate SPR. So we don't have any net gain.

Most people cannot quite understand that. They think SPR is for heating oil that can be taken out of SPR and distributed, thereby easing the shortage. We cannot do that.

I understand the Secretary of Energy will make an announcement today or very shortly about the administration's efforts regarding high oil prices. Let's look at this because it is important. They will do something more for the Low-Income Housing Energy Assistance Program, which provides money for the low-income areas. That is commendable. However, that does not solve the underlying problem. They will ''jawbone'' more with the OPEC countries to release more oil. They can release more oil, but will they reduce the price? That is crude oil that had to be refined. They will encourage refiners to make more heating fuels—they might be able to persuade them to do that but it will change the mix and might result in a gasoline shortage this summer.

The interesting thing about the administration's response is, nowhere is there a commitment that we increase our domestic petroleum production to make us less dependent on OPEC pricing policies. That would be contrary to the environmental community who objects to the production domestically of oil and gas. Let me go a step forward. The Vice President said: If I'm elected I will cancel all the OCS leases, oil and gas.

What does he propose we will do? We cannot address what we will do with our nuclear waste. As far as I'm concerned the administration can choke on that waste. That seems to be their only solution.

We have an administration that proposes more new taxes on our domestic oil and gas industry. Think about that. We have a heating oil crisis, we have high prices, there are barges in transit and ships coming over from Europe with heating oil. That may help. We cannot move the crude oil out of SPR fast enough. We cannot get it to refineries that have any unused capacity. And we don't have adequate storage to store the reserves.

If you want to debate that issue, as chairman of the Energy and Natural Resources Committee I will try to work with Members. But let's be realistic and try to understand what the problem is and not fool the public.

If anyone saw the Coast Guard cutter grinding through the ice on the Hudson River to try and clear the waterways for the heating supplies to be delivered, they would have a better understanding and appreciation of some of the real problems.

I want to work with my colleagues to try and address this but let's make sure we understand the realities associated with that. I have a problem with our continued dependence on jawboning the Middle East countries. Our friend Saddam Hussein is now producing nearly 2 million barrels a day. The consequences of that, in view of the fact we fought a war not so long ago, suggests that our energy policies are inconsistent, to say the least.

We talked about the administration's ''cure'' to encourage more production. The President has proposed $50 million in new and expanded user fees over 5 years on our domestic oil companies drilling in offshore waters. Is that going to continue to drive production in the United States? It will continue to drive it overseas and increase our reliance on imported oil from foreign shores—and we are 56 percent dependent now. The user fees are included in the administration's fiscal year 2001 budget. According to reports, the fees would raise $10 million in each of the next 5 years by increasing rental rates on oil leases, among other fees.

In addition, we understand the budget recommends reinstating the oil spill liability trust fund to add 5 cents a barrel excise on both domestic and imported oil. This equals $350 million per year from all sources.

Once again, instead of encouraging our domestic oil industry, this administration seeks to discourage it wherever possible. The result is that we are 56 percent dependent on foreign oil; and the Mideast, where that oil comes from, where there is a huge abundance of oil, is sitting back nodding their head and smiling as they continue to control the discipline within their cartel not to allow overproduction and a decline in price.

The national energy security of this Nation is at risk as we become more and more dependent on imported oil. We have tremendous domestic reserves in this country if we can only open them. My State of Alaska has produced 20 percent of the crude oil produced in the United States for the last 20 years. If allowed on land in Alaska to use the technology that we have, we can continue not only to produce 20 percent but probably increase that to 30 percent or maybe 40 percent. The alternative is to increase our dependence on imported oil.

Senator LANDRIEU and I have a bill, Senate bill 25, that will try and address a fair return to the coastal impact areas offshore and onshore relative to a reasonable revenue stream that ought to come back to these areas as a consequence of oil and gas development on the outer continental shelf. This is legislation that all coastal States would share in, whether they have any oil and gas activities. This legislation would benefit the environment but it would put control of how that money is spent—not with a central Federal Government dictate, but with the participation of the States and the local communities. That is the way it has to be.

DISTRIBUTING NEW MONEY FAIRLY

Mr. MURKOWSKI. Mr. President, as a former banker, I must draw attention to what I consider an extraordinary movement by this administration, the Department of Treasury's decision to distribute the U.S. $1 coin to America's largest retailer, Wal-Mart, in Arkansas.

Isn't that extraordinary? The banks have always been the agency for distributing new money and the agency for bringing in mutilated money. But for the first time the Department of Treasury has gone to a retailer, Wal-Mart, headquartered in President Clinton's home State, I might add, and I am told that as a promotion they have cut a deal with General Mills, where there are a few of them in boxes of Cheerios.

The banks are the backbone of our financial system. I cannot understand the logic or the fairness where if you are a banking customer, and your customers want coins, you have to run down to Wal-Mart. A private citizen who orders those new coins from the U.S. Mint I am told can expect a 6 to 8 week delivery time.

I would like to ask the following questions. Who made the decision to give these companies, Wal-Mart particularly, the ability to distribute coins before the banks? I would like to know the name of the person who made that judgment; and what part of Arkansas he was from? Was it a procedure similar to awarding Federal contracts used in choosing Wal-Mart and General Mills? I have sent that letter to Lawrence Summers, and I hope we can get a response very soon.

I yield the floor and encourage everybody who has a box of Cheerios to be sure and shake it because there might be a new dollar in it. Don't go to your bank because they will not have it.

I ask unanimous consent that my letter, and an article that appeared in the Wall Street Journal, be printed in the RECORD.

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

Hon. LAWRENCE SUMMERS,
Secretary, Department of the Treasury, Washington, DC.

DEAR SECRETARY SUMMERS: I am surprised and very concerned about the method the Department of the Treasury has chosen to distribute the U.S. Mint's new one dollar coin. America's largest retailer, Wal-Mart, headquartered in President Clinton's home state, has been given priority over our nation's banks to distribute these coins. I find it hard to believe that any federal agency would deliberately give such a marketing advantage to a private retailer, let alone the largest retailer in America. Select boxes of General Mills' Cheerios contain the new dollar coins.

According to an article in today's Wall Street Journal, banks, which are the backbone of our financial system do not have this type of ready access to these new coins. Some bankers were quoted as saying they are referring people who want the new coins to Wal-Mart. Moreover, a private citizen who orders these new coins from the U.S. Mint can expect a 6-8 week delivery time.

I would like you to answer the following questions. Who made the decision to give these companies the ability to distribute the coins before banks? Was a procedure similar to the awarding of federal contracts used in choosing Wal-Mart and General Mills?

I look forward to your prompt response.

Sincerely,

FRANK H. MURKOWSKI,
U.S. Senate.

BANKERS ASSAIL MINT FOR DEAL WITH WAL-MART

(By Julia Angwin)

Bank tellers at First State Bank in Middlebury, Ind., have recently been going to unusual lengths to fill their coin drawers. While on lunch break, they would sprint to the local Wal-Mart store to buy the government's newly minted $1 coin.

''We thought if we could get 50 or 100 coins, then maybe we could give them to our customers,'' says Sara Baker, the bank officer that organized the tellers.

When a bank goes to Wal-Mart to get its money, something odd is going on. In this case, it's a new strategy the U.S. Mint adopted when it issued the new golden-colored dollar, featuring the image of Native American heroine Sacagawea, at the end of January. Prompted by the flop of the Susan B. Anthony coin 20 years ago, the Mint crafted an agreement with Wal-Mart, the nation's largest retailer, allowing it to essentially have first dibs over most banks on the new coin.

The U.S. Mint says it shipped the coins to 3,000 Wal-Mart and Sam's Club stores and the 12 regional Federal Reserve Banks on the same day, Jan. 27. But it mailed the coins to Wal-Mart, while it sent the coins to the Fed branches by truck. Many community banks are reporting a five-week wait for the coins that they have ordered from the Federal Reserve.

The delay has caused a furor among some bankers, who are embarrassed that they have to send coin-seeking customers to Wal-Mart, and among some business owners, who complain they can't get the coins from banks.

''Wal-Mart doesn't need any more advantages over a little business like mine,'' said Bill Taylor, owner of Boiling Springs Hardware & Rental in South Carolina, who tried unsuccessfully to get some dollar coins from his local banks.

* * * off an angry letter to the U.S. Mint on behalf of its members, protesting the agreement with Wal-Mart and asking the Mint to speed delivery to community banks of the golden coins. Dubbed the Golden Dollar by the Mint, the new coin is actually made of an alloy of manganese, brass and copper.

''The U.S. Mint has done an end run around the whole banking system,'' says Ann McKenna, vice president for finance at Tioga State Bank in Spencer, N.Y. ''It's very disappointing.''

In fact, the Mint planned the Wal-Mart agreement as a way of encouraging U.S. banks to order the new golden dollar coin in larger numbers than their orders for the Susan B. Anthony. And it has worked. The

demand for the new coin has reached 200 million in the first month. It took the Susan B. Anthony four years to reach that level.

U.S. Mint Director Philip Diehl says he doesn't mind the controversy as long as the coin is a success. ''I'd rather have a noisy success than a quiet failure,'' he says.

Mr. Diehl says the U.S. Mint got a lukewarm response from most banks when it first approached them about potential demand for the coin last summer. In response, he says, the Mint decided to talk to some retailers about putting the coin into circulation. Only two retailers showed interest: Wal-Mart Stores Inc., of Bentonville, Ark., and 7-Eleven Inc., of Dallas. At the same time, the Mint also crafted an agreement with General Mills Inc. to distribute the coin in selected Cheerios boxes—11 million in all—beginning last month.

Because of the logistical difficulties of distributing coins to its stores, 7-Eleven dropped out of the agreement, says Dana Manley, marketing communications manager for the convenience-store chain. However, Wal-Mart was willing to buy 100 million coins and promote them nationally in its stores.

Wal-Mart spokeswoman Laura Pope says the company was excited to work with the Mint. ''Our goal is to offer customers something unique that they can only find at Wal-Mart and Sam's Club stores,'' she says. Wal-Mart promoted the new coin in a mailing distributed to 90 million customers at the end of January.

The Mint's Wal-Mart strategy seems to have worked, helped by the coin's golden color, to make the new dollar more popular than its Anthony predecessor. Most banks in search of the coin have started referring their customers to Wal-Mart. Even Ms. Baker eventually gave up on her quest to buy coins from the local Wal-Mart for her bank branch.

After two days of buying a few coins at a time (each Wal-Mart has its own policy of how many coins it will give out at one time), her tellers rebelled. ''Some employees went out and said, 'I could only get three coins and I'm keeping them,'' she says. ''Frankly, now we're telling customers to go to Wal-Mart.''

CHANGING OUR TAX CODE

Mr. MURKOWSKI. Mr. President, we talk a lot here about tax cuts. We talk about tax increases. But we do not often talk about changing our Tax Code. The President's proposal makes 192 separate changes to the Tax Code. The IRS book is about 5 pounds. The code itself is already 3,400 pages of text. That is 1,600 pages longer than the King James version of the Bible, and at least the Bible is large type, but you need a magnifying glass to read the IRS code. There are more than 2000 separate sections of the Code, tens of thousands of subsections, tens of thousands of pages of regulations and interpretive rulings. Now the President wants to add another 192 sections to the code which will surely make up several hundred additional pages of mindless complexity.

As I indicated, the President is proposing more than $95 billion of new taxes on a wide variety of industries. There are new taxes that are being proposed at a time when the Government is already taking in more than it spends. I wonder if there is any end to Washington's appetite for more money from the American people.

Regarding especially the President's proposal to impose $1 billion in new taxes on our mining industry, I guess he is trying to drive it offshore. The President has submitted this proposal every year for at least the past 4 years and I say this proposal is going to meet the same fate it has met every time it has been sent to the hill. It will be killed, and I can promise you that. I can assure you, the same tired, worn-out proposals to add $13 billion of new taxes to the insurance industry will never again see the light of day. I notice there are other proposals the President has proposed, but I am sure most of my colleagues share my sentiment that we do not need to raise taxes by $95 billion at this time, when most of what is contained in the tax code should be summarily rejected.

I conclude by saying what we need is tax reform. As a consequence, the President's proposal to add 192 separate sections to the Tax Code hardly is reform.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent my friend, the distinguished Senator from South Carolina, be recognized after I complete my remarks.

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

NOMINATION OF BRADLEY SMITH TO THE FEC

Mr. FEINGOLD. Mr. President, the President sent a nomination to the Senate that anyone who cares about the campaign finance laws in this country will find very troubling. I speak of the nomination of Bradley Smith to a 6-year term on the Federal Election Commission. Mr. Smith's views on the federal election laws, as expressed in law review articles, interviews, op-eds, speeches over the past half decade are disturbing, to say the least. He should not be on the regulatory body charged with enforcing and interpreting those very laws.

Today I am placing a very public hold on this nomination. I will object to its consideration on the floor and I ask all of my colleagues who support campaign finance reform to oppose this nomination.

In a 1997 opinion piece in the Wall Street Journal, Mr. Smith wrote the following:

> When a law is in need of continual revision to close a series of ever-changing ''loopholes,'' it is probably the law, and not the people, that is in error. The most sensible reform is a simple one: repeal of the Federal Election Campaign Act.

That's right, the man who the President has just nominated to serve on the Federal Election Commission believes the Federal campaign laws should be repealed. Thomas Jefferson said we should have a revolution in this country every 20 years. He believed that laws should constantly be revised and revisited to make sure they were responsive to the needs of society at any given time. Yet, Mr. Smith sees the need for loophole closing in the federal election laws as evidence that the whole system should be scrapped.

In a policy paper published by the Cato Institute, for whom Mr. Smith has written extensively in recent years, he says the following:

> FECA [the Federal Election Campaign Act] and its various state counterparts are profoundly undemocratic and profoundly at odds with the First Amendment.

I wonder how Mr. Smith will reconcile those views with his new position as one of six individuals responsible for enforcing and implementing the statute and any future reforms that the Congress might pass. He has shown such extreme disdain in his writings and public statements for the very law he would be charged to enforce that I simply do not think he should be entrusted with this important responsibility.

It is especially ironic and disheartening that this nomination has been made at a time when the prospects for reform and the legal landscape for those reforms have never looked better. We are all aware that certain Presidential candidates have highlighted campaign finance issues with great success. The public is more aware than ever of the critical need for reform. Campaign finance reform is and will be a major issue in the 2000 Presidential race.

In addition, just a few weeks ago, the Supreme Court issued a ringing reaffirmation of the core holding of the Buckley decision that forms the basis for the reform effort. The Court once again held that Congress has the constitutional power to limit contributions to political campaigns in order to protect the integrity of the political process from corruption or the appearance of corruption. In upholding contribution limits imposed by the Missouri legislature, Justice Souter wrote for the Court:

> [T]here is little reason to doubt that sometimes large contributions will work actual corruption of our political system, and no reason to question the existence of a corresponding suspicion among voters.

In my view, the Supreme Court's ruling in the Shrink Missouri case removes all doubt as to whether the Court would uphold the constitutionality of a ban on soft money, which is the centerpiece of the reform bill that has passed the House and is now awaiting Senate action. One hundred twenty-seven legal scholars have written to us that a soft money ban is constitutional, and their analysis is strongly supported by this very recent decision of the Supreme Court.

Mr. Smith has a wholly different view of the core holding of Buckley, on which the arguments supporting the

constitutionality of banning soft money relies. He wrote the following in a 1997 law review article:

Whatever the particulars of reform proposals, it is increasingly clear that reformers have overstated the government interest in the anticorruption rationale. Money's alleged corrupting influence are far from proven. . . . . [T]hat portion of Buckley that relies on the anticorruption rationale is itself the weakest portion of the Buckley opinion—both in its doctrinal foundations and in its empirical ramifications.

In another article, Mr. Smith writes: ''I do think that Buckley is probably wrong in allowing contribution limits.''

Mr. Smith's view, as quoted by the Columbus Dispatch, is that ''people should be allowed to spend whatever they want on politics.'' In an interview on MSNBC, he said, ''I think we should deregulate and just let it go. That's how our politics was run for over 100 years.''

He is right about that. Mr. Smith would have us go back to the late 19th century, before Theodore Roosevelt pushed through the 1907 Tillman Act, which prohibited corporate contributions to federal elections. Mr. Smith has expressed the view that a soft money ban would be unconstitutional. He wrote the following in a paper for the Notre Dame Law School Journal of Legislation:

[R]egardless of what one thinks about soft money, or what one thinks about the applicable Supreme Court precedents, a blanket ban on soft money would be, under clear, well-established First Amendment doctrine, constitutionally infirm.

A majority of this Senate has voted repeatedly in favor of a soft money ban. I cannot imagine that that same majority will vote to confirm a nominee who believes such a ban is unconstitutional. We need an FEC that will vote to enforce the law and to interpret it in a way that is consistent with congressional intent. I simply have no confidence—I do not know how I can get confidence—that Mr. Smith will be able do that—how can he? It would be completely at odds with his own loudly professed principles.

This is not a matter of personality. I have never met Mr. Smith. I am sure he is a good person. I do not question his right to criticize the laws from his outside perch as a law professor and commentator. But his views on the very laws he will be called upon to enforce give rise to grave doubt as to whether he can faithfully execute the duties of a Commissioner on the FEC. It is simply not possible for him to distance himself from views he has repeatedly and stridently expressed now that he is nominated. We would not accept such disclaimers from individuals nominated to head other agencies of Government.

The campaign finance laws are not undemocratic. They are not unconstitutional. They are essential to the functioning of our democratic process and to the faith of the people in their government. As the Supreme Court said in the Shrink Missouri case:

Leave the perception of impropriety unanswered, and the cynical assumption that large donors call the tune could jeopardize the willingness of voters to take part in democratic governance. Democracy works only if the people have faith in those who govern, and that faith is bound to be shattered when high officials and their appointees engage in activities which arouse suspicions of ''malfeasance and corruption.''

In the wake of that clear declaration by the Court, how can Bradley Smith continue to rationalize the gutting of the Federal Election Campaign Act? And how can we allow him the chance to carry it out as a member of the FEC?

We need FEC Commissioners who understand and accept the simple and basic precepts about the influence of money on our political system that the Court reemphasized in the Shrink Missouri case. We need FEC Commissioners who believe in the laws they are sworn to uphold. We do not need FEC Commissioners who have an ideological agenda contrary to the core rationale of the laws they must administer.

The public is entitled to FEC Commissioners who they can be confident will not work to gut the efforts of Congress to provide fair and democratic rules to govern our political systems. I will oppose this nomination and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from South Carolina.

FRAUD

Mr. HOLLINGS. Mr. President, if people back home only knew. This whole town is engaged in the biggest fraud. Tom Brokaw has written that the greatest generation suffered the Depression, won the war, and then came back to lead. They not only won the war but were conscientious about paying for that war and Korea and Vietnam. Lyndon Johnson balanced the budget in 1969.

I ask unanimous consent to print in the RECORD the record of all the Presidents, since President Truman down through President Clinton, of the deficit and debt, the national debt, and interest costs.

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

HOLLING'S BUDGET REALITIES

President and year	U.S. budget (outlays) (In billions)	Borrowed trust funds (billions)	Unified deficit with trust funds (billions)	Actual deficit without trust funds (billions)	National debt (billions)	Annual increases in spending for interest (billions)
Truman:						
1946	55.2	−5.0	−15.9	−10.9	271.0	
1947	34.5	−9.9	4.0	+13.9	257.1	
1948	29.8	6.7	11.8	+5.1	252.0	
1949	38.8	1.2	0.6	−0.6	252.6	
1950	42.6	1.2	−3.1	−4.3	256.9	
1951	45.5	4.5	6.1	+1.6	255.3	
1952	67.7	2.3	−1.5	−3.8	259.1	
1953	76.1	0.4	−6.5	−6.9	266.0	
1954	70.9	3.6	−1.2	−4.8	270.8	
Eisenhower:						
1955	68.4	0.6	−3.0	−3.6	274.4	
1956	70.6	2.2	3.9	+1.7	272.7	
1957	76.6	3.0	3.4	+0.4	272.3	
1958	82.4	4.6	−2.8	−7.4	279.7	
1959	92.1	−5.0	−12.8	−7.8	287.5	
1960	92.2	3.3	0.3	−3.0	290.5	
1961	97.7	−1.2	−3.3	−2.1	292.6	
1962	106.8	3.2	−7.1	−10.3	302.9	9.1
Kennedy:						
1963	111.3	2.6	−4.8	−7.4	310.3	9.9
1964	118.5	−0.1	−5.9	−5.8	316.1	10.7
Johnson:						
1965	118.2	4.8	−1.4	−6.2	322.3	11.3
1966	134.5	2.5	−3.7	−6.2	328.5	12.0
1967	157.5	3.3	−8.6	−11.9	340.4	13.4
1968	178.1	3.1	−25.2	−28.3	368.7	14.6
1969	183.6	0.3	3.2	+2.9	365.8	16.6
1970	195.6	12.3	−2.8	−15.1	380.9	19.3
Nixon:						
1971	210.2	4.3	−23.0	−27.3	408.2	21.0
1972	230.7	4.3	−23.4	−27.7	435.9	21.8
1973	245.7	15.5	−14.9	−30.4	466.3	24.2
1974	269.4	11.5	−6.1	−17.6	483.9	29.3
1975	332.3	4.8	−53.2	−58.0	541.9	32.7
Ford:						
1976	371.8	13.4	−73.7	−87.1	629.0	37.1

HOLLING'S BUDGET REALITIES—Continued

President and year	U.S. budget (outlays) (In billions)	Borrowed trust funds (billions)	Unified deficit with trust funds (billions)	Actual deficit without trust funds (billions)	National debt (billions)	Annual increases in spending for interest (billions)
1977	409.2	23.7	−53.7	−77.4	706.4	41.9
Carter:						
1978	458.7	11.0	−59.2	−70.2	776.6	48.7
1979	503.5	12.2	−40.7	−52.9	829.5	59.9
1980	590.9	5.8	−73.8	−79.6	909.1	74.8
1981	678.2	6.7	−79.0	−85.7	994.8	95.5
Reagan:						
1982	745.8	14.5	−128.0	−142.5	1,137.3	117.2
1983	808.4	26.6	−207.8	−234.4	1,371.7	128.7
1984	851.8	7.6	−185.4	−193.0	1,564.7	153.9
1985	946.4	40.5	−212.3	−252.8	1,817.5	178.9
1986	990.3	81.9	−221.2	−303.1	2,120.6	190.3
1987	1,003.9	75.7	−149.8	−225.5	2,346.1	195.3
1988	1,064.1	100.0	−155.2	−255.2	2,601.3	214.1
1989	1,143.2	114.2	−152.5	−266.7	2,868.3	240.9
Bush:						
1990	1,252.7	117.4	−221.2	−338.6	3,206.6	264.7
1991	1,323.8	122.5	−269.4	−391.9	3,598.5	285.5
1992	1,380.9	113.2	−290.4	−403.6	4,002.1	292.3
1993	1,408.2	94.3	−255.0	−349.3	4,351.4	292.5
Clinton:						
1994	1,460.6	89.2	−203.1	−292.3	4,643.7	296.3
1995	1,514.6	113.4	−163.9	−277.3	4,921.0	332.4
1996	1,453.1	153.5	−107.4	−260.9	5,181.9	344.0
1997	1,601.2	165.9	−21.9	−187.8	5,369.7	355.8
1998	1,651.4	179.0	70.0	−109.0	5,478.7	363.8
1999	1,704.5	250.5	122.7	−127.8	5,606.5	353.5
2000	1,769.0	234.5	176.0	−58.5	5,665.0	362.0
2001	1,839.0	262.0	177.0	−85.0	5,750.0	371.0

*Histocial Tables, Budget of the US Government FY 1998; Beginning in 1962 CBO'S 2001 Economic and Budget Outlook.

Mr. HOLLINGS. Mr. President, Lyndon Johnson balanced the budget in 1969. At that time, the national debt was $365 billion with an interest cost of only $16 billion. Now, under a new generation without the cost of a war, the debt has soared to $5.6 trillion with annual interest costs of $365 billion. That is right. We spend $1 billion a day for nothing. It does not buy any defense, any education, any health care, or highways. Astoundingly, since President Johnson balanced the budget, we have increased spending $349 billion for nothing.

Early each morning, the Federal Government goes down to the bank and borrows $1 billion and adds it to the national debt. We have not had a surplus for 30 years. Senator TRENT LOTT, commenting on President Clinton's State of the Union Address, said the talk cost $1 billion a minute. For an hour-and-a-half talk, that would be $90 billion a year. Governor George W. Bush's tax cut costs $90 billion a year. Together, that is $180 billion. Just think, we can pay for both the Democratic and Republican programs with the money we are spending on interest and still have $185 billion to pay down the national debt. Instead, the debt increases, interest costs increase, while all in town, all in the Congress, shout: Surplus, surplus, surplus.

Understand the game. Ever since President Johnson's balanced budget, the Government has spent more each year than it has taken in—a deficit. The average deficit for the past 30 years was $175 billion a year. This is with both Democratic and Republican Presidents and Democratic and Republican Congresses. Somebody wants to know why the economy is good? If you infuse $175 billion a year for some 30 years and do not pay for it, it ought to be good.

The trick to calling a deficit a surplus is to have the Government borrow from itself. The Federal Government, like an insurance company, has various funds held in reserve to pay benefits of the program—Social Security, Medicare, military retirement, civilian retirement, unemployment compensation, highway funds, airport funds, railroad retirement funds.

Mr. President, I ask unanimous consent to print in the RECORD a list of trust funds looted to balance this budget.

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

	1998	1999	2000
Social Security	730	855	1,009
Medicare:			
HI	118	154	176
SMI	40	27	34
Military Retirement	134	141	149
Civilian Retirement	461	492	522
Unemployment	71	77	85
Highway	18	28	31
Airport	9	12	13
Railroad Retirement	22	24	25
Other	53	59	62
Total	1,656	1,869	2,106

Mr. HOLLINGS. Mr. President, these funds are held in trust for the specific purpose for which the taxes are collected.

Under corporate law, it is a felony to pay off the company debt with the pension fund. But in Washington we pay down the public debt with trust funds, call it a surplus, and they give us the ''Good Government'' award.

To make it sound correct, we divide the debt in two: The public debt and the private debt. Of course, our Government is public, and the law treats the debt as public without separation. The separation allows Washington politicians to say: We have paid down the public debt and have a surplus. There is no mention, of course, that the Government debt is increased by the same amount that the public debt is decreased. It is like paying off your MasterCard with your Visa card and saying you do not owe anything. Dr. Dan Crippen, the Director of the Congressional Budget Office, describes this as ''taking from one pocket and putting it in the other.''

For years we have been using the trust funds to report a unified budget and a unified deficit. This has led people to believe the Government was reporting net figures. It sounded authentic. But as the unified deficit appeared less and less, the national debt continued to increase. While the unified deficit in 1997 was $21.9 billion, the actual deficit was $187.8 billion. In 1998 the unified budget reported a surplus of $70 billion, but actually there was a deficit of $109 billion. In 1999 the ''unified surplus'' was $124 billion, but the actual deficit was $127.8 billion.

Now comes the Presidential campaign. Social Security is a hot topic. Both parties are shouting: Save Social Security. Social Security lockbox. The economy is humming, booming. With high employment, the Social Security revenues have increased. It appears that, separate from Social Security, there will be enough trust fund money to compute a surplus. We have reached the millennium—Utopia—enough money to report a surplus without spending Social Security.

Washington jargon now changes. Instead of a ''unified budget,'' the Government now reports an ''on-budget'' and an ''off-budget.'' This is so we can all call it an on-budget surplus, meaning without Social Security. But to call it an on-budget surplus, the Government spends $96 billion from the other trust funds.

We ended last year with a deficit of $128 billion—not a surplus. The President's budget just submitted shows an actual deficit each year for the next 5 years. Instead of paying down the debt, the President shows, on page 420 of his budget, the debt increasing from the

year 2000 to the year 2013—$5.686 trillion to $6.815 trillion, an increase of $1.129 trillion.

They are all talking about paying off the debt by 2013, and the actual document they submit shows the debt increasing each year, and over that period an increase of over $1 trillion.

Each year, Congress spends more than the President's budgets. There is no chance of a surplus with both sides proposing to reduce revenues with a tax cut. But we have a sweetheart deal: The Republicans will call a deficit a surplus, so they can buy the vote with tax cuts; the Democrats will call the deficit a surplus, so they can buy the vote with increased spending. The worst abuse of campaign finance is using the Federal budget to buy votes.

Alan Greenspan could stop this. He could call a deficit a deficit. Instead, appearing before Congress in his confirmation hearing, Greenspan, talking of the Federal budget, stated: ''I would fear very much that these huge surpluses . . .'' and on and on. We are in real trouble when Greenspan calls huge deficits ''huge surpluses.'' Greenspan thinks his sole role is to protect the financial markets. He does not want the U.S. Government coming into the market borrowing billions to pay its deficit, crowding out private capital, and running up interest costs.

But Congress' job is to not only protect the financial markets but the overall economy. Our job, as the board of directors for the Federal Government, is to make sure the Government pays its bills. In short, our responsibility is to eliminate waste.

The biggest waste of all is to continue to run up the debt with devastating interest costs for nothing. In good times, the least we can do is put this Government on a pay-as-you-go basis. Greenspan's limp admonition to ''pay down the debt'' is just to cover his backside. He knows better. He should issue a clarion call to stop increasing the debt. While he is raising interest rates to cool the economy, he should categorically oppose tax cuts to stimulate it.

Our only hope is the free press. In the earliest days, Thomas Jefferson observed, given a choice between a free government and a free press, he would choose the latter. Jefferson believed strongly that with the press reporting the truth to the American people, the Government would stay free.

Our problem is that the press and media have joined the conspiracy to defraud. They complain lamely that the Federal budget process is too complicated, so they report ''surplus.'' Complicated it is. But as to being a deficit or a surplus is clear cut; it is not complicated at all. All you need to do is go to the Department of the Treasury's report on public debt. They report the growth in the national debt every day, every minute, on the Internet at ''www.publicdebt.treas.gov.''

In fact, there is a big illuminated billboard on Sixth Avenue in New York that reports the increase in the debt by the minute. At present, it shows that we are increasing the debt every minute by $894,000. Think of that—$894,000 a minute. Of course, increase the debt, and interest costs rise. Already, interest costs exceed the defense budget. Interest costs, like taxes, must be paid. Worse, while regular taxes support defense, and other programs, interest taxes support waste. Running a deficit of over $100 billion today, any tax cut amounts to an interest tax increase—an increase in waste.

If the American people realized what was going on, they would run us all out of town.

Mr. President, I thank the distinguished Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

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

UNIVERSAL ACCESS TO TECHNOLOGY

Mr. BAUCUS. Mr. President, I wish to spend a few minutes addressing a matter that is very important to the people of my home State of Montana but also to about 50 million other Americans. Universal access to technology and services all across our country is a very important principle in American history. From the Postal Service to electricity to phone service, we have all made sure, as a national policy, that all Americans have access to the basic services they need.

Now we need to make sure all Americans also receive universal access to another major service; that is, TV service, weather reports, emergency broadcasts, local news. All Americans should be able to get local news on their television set, to get information about their local communities. That is not available today for about 50 million Americans. In my State alone, 120,000 people, about 35 percent of the homes in Montana, receive video programming via satellite because there is simply no way else to get it. That is the highest per capita rate in the Nation.

We have more satellite dishes per capita than any other State in the Nation. We jokingly call the satellite dish our new State flower. It used to be the bitterroot; now it is the satellite dish.

The problem is, we in Montana have to watch the news from New York City or Denver or Seattle. We can't get local news from our local stations from our satellites. The technology isn't there. The satellite companies don't provide the service. Montana is not alone. In nine other States, at least 20 percent of the households depend on satellite broadcasts for TV reception. They can't get it with an antenna. They can't get it from cable. They have to get it off the satellite. And in places such as Montana, with mountains, buttes, ravines, and gullies, all the different geographic conditions that occur in our State, there are many people who live on the outskirts of major towns who can't get local television signals with antenna, no matter how hard they try. They can't get any television. There are many communities and homes that are much too remote to receive news or TV coverage by cable. They are just too remote.

Why is it so many people can't get TV coverage that is important for ties to local communities? The major satellite companies have told us that the free market simply doesn't pay. It doesn't pay for the satellite companies to provide the signal to smaller communities. It does pay for the larger communities but not for the small. The satellite companies have told us they can only afford to market in the high-density urban areas. I understand that. All companies want to make as much money as they can. That is the American way. That is wonderful. But the difficulty is, as a consequence, there are many areas of our country that can't get TV coverage—that is, coverage at all—or cannot get local television, local news.

We can't rely solely on the profit motive. That drives America; it is wonderful. That is why American prosperity is doing so well and for so long. But we also have to be sure that it is not the only condition because otherwise we would still be cooking supper by candlelight in rural America. We would have to go down to the local telegraph office to communicate with friends. That is because without rural electric service or rural co-op service, that would be the case.

This map is very interesting, the one behind me to my immediate right. Under the most optimistic local-to-local plans—that is, where a satellite signal is sent down to communities so the communities can, from their satellite, get local television—only about 67 out of a total of 210 TV markets in the United States will get access to local channels via the satellite. The more realistic answer is probably about 40 markets will be served by satellite; that is, either by DirecTV or Echostar. Millions of households will get it in communities such as New York City and Los Angeles.

The red dots on the map are cities served, as of the end of last year, by satellite; that is, local service, local TV coverage, local news coverage served by satellite. As we can see, there are a lot of places in America without red dots. If you are in a city with a red dot, you can get local news by satellite. But if you live someplace else and not one of these red dots occurs, then you cannot get local news by

satellite. The orange-yellow dots are announced probable sites in the future. As I said, the most optimistic estimate is 67 markets served out of the 210; the most probable is about 40 markets served out of 210.

Let me tell my colleagues where my State ranks in terms of the probability of getting served with local coverage by satellite. I can assure you, we are not in the top 67. Our largest city in Montana is Billings. Billings ranks about 169 in the Nation out of 210. Butte, MT, is about 192. Glendive is up in the northeastern part of the market. That TV market is number 210; that is, out of 210 TV markets in the country, we are 210. So we have a ways to go if we are going to get satellite local news coverage.

This isn't a problem only in Montana. It is a problem in 16 States. Sixteen States have no single city among the top 70 markets, not one. They include half of the Nation's State capitals. A dozen cities with nearly 500,000 people each won't get service. From the Great Plains to Alaska and Maine to Mississippi, much of America is being left behind.

Why is this so important? Why is local-to-local broadcasting so important? Essentially because this is the heart of the community. One of the fibers that holds a community together is the ability to communicate within that community. The community is able to tune into a TV to hear about the local high school football team: how did they do? Did they win or lose? And local news, all the things that go on in a local community: what is happening in the neighborhood? Maybe there is a sale going on at a local store. There is a TV advertisement. You know what is going on in the community. There is a charity fundraiser.

Then look at some of the more dramatic reasons for local news accessibility: winter storm warnings, hurricanes, school closures, emergencies of one kind or another, floods, tornadoes.

There are a lot of reasons why we in all our communities want to know what is happening locally. As I said at the outset, there are about 15 million Americans who are not able to tune into their local TV stations, and we should find some way to solve that.

Last month, I heard from a good, solid Montanan, Gary Ardesson of Frenchtown, MT, which is about 20 miles outside of Missoula. Gary can't get any local channels—none whatsoever—either by antenna, or by cable, or by satellite. He wants to pay for it, but it isn't available. He just can't get it. So Gary asked why in the world should he be in this situation. What would Gary do if he wanted to get the latest storm warning? All he can do is stick his head out the window and put his finger up in the wind to find out what the weather is going to be. There is no other way except by radio.

He commented on the legislation we passed in the last session. He said: What is the point of legislation if they only implement it in the areas that can already receive local channels? That is what we did last session, but we didn't provide full coverage.

This is a problem not only for viewers; it is a problem for local TV broadcasters. Local broadcasters are vital to local economies. They provide jobs and an avenue for local businesses to grow. How? Through advertising. It is very important that we can keep our local broadcasters thriving. I think there are four main issues we have to address to solve this problem.

First, we have to assure that every household in America has access to their local television station. That is a given. Every household in America must have access to their local television station.

This can be achieved, I submit, through a loan guarantee program that encourages investment in infrastructure, whether it be satellite, cable, or some other new emergency technology. Loan guarantees are going to be necessary for those less densely populated parts of our country that need assistance, such as REA, the rural electric co-ops of not too many years ago, and such as telephone co-ops. It is a guaranteed service to all Americans.

Look at this chart. This shows where the Rural Utilities Service—the organization in the USDA that administers the utility service programs in our country, whether it be electric power, telecommunications, or whatnot—currently provides service. All 50 States currently have service under the Rural Utilities Service. The yellow dots are water and wastewater guarantee programs, loan guarantee programs. The other is electrical distribution. That is the red. The dark blue is electrical generation and transmission. Look at the green; it is telecommunications. That is what we are talking about—administering a loan guarantee telecommunications program. The Rural Utility Service isn't doing that. Those are the green dots. If you stand close, you can see the green dots—mostly in the East, where you would expect, and also you will find a few in other parts of the country. We have to make sure the program is properly administered, once we guarantee access. Certainly, the Rural Utility Service is currently providing service in all 50 States and are more than qualified to provide that service.

The RUS currently manages a $42 billion loan portfolio for rural America—$42 billion—including investments in approximately 7,600 small community and rural water and wastewater systems, and about 1,500 electric and telecommunications systems servicing about 84 percent of America's counties. They have been very successful.

This map shows the vast area that is covered. RUS's success in developing infrastructure in rural America has led to the infusion of private capital in rural infrastructure. For every $1 of capital that RUS provides to rural America, that leverages to $2 or $3 of outside investment. The Rural Utility Service is the logical team to make sure this program is properly administered.

Perhaps the RUS could consult with other agencies—the National Telecommunications and Information Association, perhaps—and that makes sense. But I think the core of the administration should be in the RUS. Some colleagues have suggested maybe new legislation for a new oversight board, a new bureaucracy, similar to what was provided for in the Emergency Steel Loan Guarantee Act of 1999.

I have some concerns about that. My real question is, how can an agency successfully administer the loans when the guarantee decision is made independent of that agency? A critical step in implementing the loan is a clear understanding of the funded project. That is best achieved during the review of the applications, including the financial and technical feasibility analysis.

That brings the third issue. We must construct this program in a fiscally responsible manner, minimizing the cost and risk to the taxpayer. I think this goal can be achieved by utilizing an existing agency—one with a good track record.

RUS has done a good job. In 50 years, RUS has experienced not one loan loss in its telecommunications program. That is, to me, a very good record.

Finally, I think we need to make sure the guarantee program is utilized to provide local-to-local service to all of America. I have heard from colleagues that Congress should require some level of private capital investment in conjunction with the loan guarantee. Some have even suggested that the loan guarantee should be perhaps as low as 50 percent. That gives me some pause because I don't want to have something set up with too many hurdles and redtape, which has the effect of increasing interest rates necessarily and therefore diminishing the likelihood that all of America will be served.

In summary, these are my four main criteria: One, every household must be served; two, the program must be administered by an agency with the necessary expertise, somebody with a track record that knows what is going on; three, the program must be cost effective and low risk to taxpayers; four, the program should not be structured in a manner that is so cost prohibitive to the private sector that it sits on the shelf unused.

So I say, let's move ahead and let's also keep this nonpartisan. There are some in the Senate who have suggested that maybe this issue is driven by partisan politics. Mr. President, I totally reject that notion; indeed, I find it offensive.

This issue doesn't belong to one Senator or to one party. This issue belongs to the American people—people who need service, people who are demanding that we act to provide them with

comprehensive satellite coverage. That is all this is. I call on the Senate to do that. That is what the people want.

The loan guarantee program that I am talking about was regrettably stripped from the Satellite Home Viewer Act in the eleventh hour of the last session. I say, let's put it back in in a nonpartisan way. I say that because all Americans who do not get local service would be very grateful. Let's do this not only for Gary Ardesson in Frenchtown, MT. Let's do it for all of the Americans in rural America who deserve the same service that people in the big cities are getting.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EUROPEAN UNION ANTITRUST INVESTIGATION

Mr. GORTON. Mr. President, it was just last week that I came to the floor of the Senate to share a legal brief outlining the weakness of the Department of Justice's case against Microsoft. But I repeated at that time a thought I have expressed several times on the floor of the Senate that perhaps the most long-lasting effect of this ill-begotten lawsuit would be on the U.S. international competitiveness and our place in the world that is changing so rapidly due to the development of both software and hardware in the computer industry and in the related high-tech fields. Yesterday, the other shoe dropped. The European Union announced an antitrust investigation against Microsoft, something, as I say, that I have been predicting for more than a year.

When the Department of Justice was asked about it, it said this action took them by surprise. I don't know why we should be surprised that the European Union is very much interested in restricting access of U.S. goods and services in Europe, whether they are software, airplanes, bananas, or a wide range of other goods and services, or why the Department of Justice should be surprised that the European Union investigates and reflects its own actions in a matter of this sort. In fact, the report of this lawsuit points out that it is easier to bring an antitrust case in Europe than it is in the United States.

We have simply opened up to European competitors the opportunity to cripple or destroy one of the most innovative and progressive of all U.S. corporations, one that bears a very significant share of the credit for the magnificent performance of our economy and for the changes in our lives.

Again, as is the case with the Microsoft action by the U.S. Department of Justice, this European investigation seems to have been sparked by an American competitor, even more perhaps than the European authorities themselves. But nothing but ill can come from investigations or actions of this sort.

This industry and our economy has grown because it is highly innovative, highly competitive, and very rapidly changing. Neither our antitrust laws nor European antitrust laws fit that very well—the Europeans probably less than our own, as they represent views in an economy that has been for generations far more stagnant than our own.

In any event, Mr. President, I regret to have to bring this matter to your attention and to the attention of my colleagues. But I have feared exactly this for more than a year. I fear that it will breed other copycat actions in other parts of the world that would also like to grab for free the innovations and progress that have meant so much to the United States and that are so important in reducing what is now the largest bilateral trade deficit in our history or in the world. This is bad news. But it is bad news that is brought upon us largely by the ill-advised and ill-founded actions against Microsoft by our own U.S. Department of Justice.

EDUCATION IN AMERICA

Mr. GORTON. Mr. President, I was sitting in the seat the Presiding Officer is occupying about an hour ago when the junior Senator from New York regaled the Senate with his views on education in the Elementary and Secondary Education Act.

He did me a great honor to denounce my proposal, Straight A's, rather specifically. But it did seem to me to be a strange and inverted world in which Straight A's, a proposal designed to empower education authorities such as parents, teachers, and superintendents—the very people who know our students by their first names—to say, somehow or another, this was an attack on local authority but that the issuance of thousands of pages of regulations, on hundreds of different individual categorical aid programs, at the Department of Education in Washington, DC, was somehow liberating.

The Senator from New York criticized our present education system as a failure, a statement with which I do not agree. I believe there are many improvements necessary, but my own experience, in literally dozens of schools over the last 2 or 3 years, has shown a tremendous dedication to better teaching methods, to the education of our children, to innovation, changes that I want to encourage.

In fact, if we look for something to criticize as a failure, we need look no further than the present Federal education system itself. Title I has now been in effect for 35 years. The difference in achievement between the kids it is designed to help and the less underprivileged children is as great as it was when the program began. Yet what we have from the Senator from New York and the Senator from Massachusetts is to have more of exactly what has failed and that perhaps what is really lacking is sufficient direction from Washington, DC.

I do not claim to be an expert on what is needed for a higher and better education in the city of New York or in any other New York school district. However, I don't think the Senator from New York knows more about what the schools in my State need—I won't even say that I do—than the superintendents, principals, teachers, and parents of students in my own State.

What we seek—and this will be the great debate that will take place in this body in less than a month—will be: Do we trust the people who have dedicated their lives and careers to educating our children, to make the fundamental decisions about what they need in 17,000 school districts across the country and hundreds of thousands of individual schools or do we believe they need total supervision and control in Washington, DC, in the bureaucracy in the U.S. Department of Education?

We have increasingly followed that lateral line now for 35 years. It is a dead-end street. That is what has failed to work in connection with our education system.

For the first time, with the minor exception of the Ed-Flex bill we passed last year, we seek to restore some of that authority to our local school districts, to our teachers, and to our parents. That is what Straight A's is all about.

I suppose I should be honored to have my own program attacked specifically and by name because I think that means it is making very real progress. I know it is at home, whenever I go to a school or to a school administration building and discuss its ideas. Our teachers and our educators want more authority to make up their minds as to what their children need. Those needs are not the same in every school district. Not every school district has as its highest priority more teachers. Not every school district has as its highest priority more bricks and mortar. Not every school district has as its highest priority teacher education. Not every school district has as its highest priority more computers. But many school districts have any one of those as a highest priority, and many have some other. Each of them ought to be permitted, each of them ought to be encouraged, to make those decisions for the students.

A final point. The Senator from New York attacked this proposal as lacking accountability. We certainly have accountability now. The way our schools account for the spending of money under hundreds of present school programs is by filling out forms and by

being visited by auditors who make a precise determination as to whether $10 for one purpose has been used for some other purpose or not. It is a form of accountability that has required our school districts to spend more and more money on administrators and on filling out forms and less and less money on educating the students themselves.

We substitute for that one ultimate form of accountability, accountability measured by whether or not our students are doing better, by whether or not our kids are getting a better education. No State may gain the benefit from the provisions of Straight A's unless that State agrees to a form of testing, of actual achievement of the students, and promising if it is given this flexibility, those student achievement standards will rise, scores will rise in the period under which they are working with Straight A's.

It is neither more complicated nor more simple than that. The goal of educating our children is to see to it that they are prepared for the world in which they will live. We are now able more and more to measure how those goals are met. Do our students read better? Do they write better? Do they compute better? The accountability in Straight A's is measured by those standards, not by how well their administrators and teachers fill out forms and not how well they come out in an after-the-fact audit.

I have every confidence that as a part of the very important debate over education and the renewal of the Elementary and Secondary Education Act, we will debate Straight A's. I am convinced as this body finishes its work it will be a part of the most constructive and most successful renewal of our activity in the field of education that this Congress has accomplished in generations.

MORNING BUSINESS

Mr. GORTON. Mr. President, I now ask consent there be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

RETIREMENT OF JACK E. HARPER, JR., CHANCERY CLERK OF SUNFLOWER COUNTY, MISSISSIPPI

Mr. LOTT. Mr. President, I rise today to recognize Jack E. Harper, Jr., of Sunflower County, Mississippi. Mr. Harper recently retired as the Chancery Clerk of Sunflower County after serving tirelessly in this position for 44 years. This is an exemplary record of public service, and it is a privilege to honor this outstanding Mississippian for his unselfish dedication to Sunflower County government for so many years.

In addition to Mr. Harper's lengthy service as Chancery Clerk, I also commend him for his involvement in numerous civic activities and for his military service. Mr. Harper is a veteran of the United States Marines, having served 31 months in the Pacific Theater during World War II. In 1951, while he was a member of the Mississippi National Guard, he was ordered to active military duty for 2 years and served 1 year in Korea during 1951–1952. In conjunction with his military service, Mr. Harper is a member and past Commander of the Indianola American Legion and VFW posts. Additionally, Mr. Harper has been active in his community, as demonstrated by the fact that he served as President of the Indianola Lions Club and as the District Governor of the Mississippi Lions.

Jack Harper has always shown a commitment to education. He earned degrees from Indianola High School, Mississippi Delta Community College, and both Bachelor of Laws and Juris Doctor degrees from the University of Mississippi School of Law, my alma mater. Additionally, he has served as a member of the Board of Trustees of Mississippi Delta Community College since January, 1961, and has served as Board Chairman since 1968. He is a past President of the Mississippi Junior College Inter-Alumni Association, and he is a member of the State Association of Community and Junior College Trustees. He currently serves as the Co-Chairman of the Education Committee for the Indianola Chamber of Commerce.

Although Jack Harper is retiring from official public office, I know that he will continue to serve his community and the State of Mississippi in the same devoted manner that he has for his entire life. I am envious of the time that he will now have to spend with his family, particularly his grandchildren. Once again, I congratulate and thank Mr. Harper for his service to Sunflower County and Mississippi.

GUN ENFORCEMENT

Mr. LEVIN. Mr. President, earlier this week, President Clinton sent to Congress his budget proposal for the 2001 fiscal year.

Among his initiatives is a proposal to improve the enforcement of federal firearm laws. Specifically, the President requests more than $280 million to provide law enforcement agencies with tools they need to reduce gun crime. The proposal includes funds to: improve the speed and accuracy of Brady background checks by upgrading State and local criminal history records; hire 500 new Bureau of Alcohol, Tobacco, and Firearms (ATF) agents and inspectors; provide grants to hire 1,000 new federal, state and local gun prosecutors; implement a comprehensive crime gun tracing program; and support local anti-gun violence media campaigns.

I believe this is an important initiative in the fight against gun violence, and I applaud the President's commitment to this issue. I hope that during this Session, Congress will support full funding for this aggressive gun enforcement initiative, and will act to close loopholes in our federal firearm laws that give young people and felons easy access to guns.

BLACK HISTORY MONTH

Mr. SARBANES. Mr. President, I am most pleased to join millions of Americans in commemorating African-American History Month and particularly this year's theme ''Heritage and Horizons: The African Legacy and the Challenges of the 21st Century.'' This theme as announced by the Association for the Study of Afro-American Life and History (ASALH) is most appropriate and timely as we enter a new millennium and hopefully a new and even brighter era of African-American progress.

Since 1926, Americans have observed a time during the month of February to recognize the vast history and legacy that African-Americans have contributed to the founding and building of this great nation. It was the vision of the noted author and scholar, Dr. Carter G. Woodson, that led to this celebration. As we review the last 100 years, it is important to remember that there have been many challenges and changes in the 1900's for African-Americans.

During the early 1900's, discrimination against African-Americans was very wide spread. By 1907, every Southern state required racial segregation on trains and in churches, schools, hotels, restaurants, theaters, and in other public places. New leaders for the African-American race emerged such as W.E.B. DuBois and Booker T. Washington, whose intellectual thoughts on the progress and direction of African-Americans are still very much discussed in the community.

There was also the Northern migration of hundreds of thousands of Southern African-Americans during World War I to seek jobs in defense plants and other factories. Many African-Americans served our country admirably during this war and in World War II. Like World War I, this war led to the expansion of defense-related industries and opportunities in the North for employment. During the 1940's, about a million Southern African-Americans moved North. Discrimination played a large role in the labor industry which led A. Philip Randolph of the Brotherhood of Sleeping Car Porters to threaten a march on Washington, D.C. President Roosevelt then issued an executive order forbidding racial discrimination in defense industries.

Following World War II, three major factors encouraged the beginning of a new movement for civil rights. First, many African-Americans served with honor in the war, as they had in many of the wars since the American Revolution. However, in this instance, African-American leaders pointed to the records of these veterans to show the

injustice of racial discrimination against patriots. Second, more and more African-Americans in the North had made economic gains, increased their education, and registered to vote. Third, the NAACP had attracted many new members and received increased financial support from blacks and whites. Additionally, a young group of energetic lawyers, including Thurgood Marshall, of Baltimore, Maryland, used the legal system to bring about important changes in the lives of African-Americans, while Dr. Martin Luther King Jr. appealed to the conscience of all Americans.

Congress had an important role in passing the Civil Rights Act of 1964 and the Voting Rights Act of 1965. I am pleased to note that Clarence Mitchell Jr. of Maryland played a critical part in steering this legislation through Congress. African-Americans also began to assume more influential roles in the national government, a development which has benefitted the entire Nation.

Gains in education for the African-American community have been significant. From 1970 to 1980, college enrollment among African-Americans rose from about 600,000 to about 1.3 million. This gain resulted in part from affirmative action programs by predominantly white colleges and universities. By the early 1990's about 11 percent of all African-Americans 25 years of age or older had completed college. About two-thirds of that group had finished high school. There have also been many more advances and accomplishments during that time, but this is just a brief overview of what has been a tremendous and rich history and heritage for African-American people in our Nation for the last 100 years.

As we look forward to a new century, we anticipate that African-Americans will continue to prosper in American society and throughout the world. Their success is our success. As we look towards the horizon, we see record breaking events for African-Americans.

The unemployment rate for African-Americans has fallen from 14.2 percent in 1992 to 8.3 percent in 1999—the lowest annual level on record. The median household income of African-Americans is up 15.1 percent since 1993, from $22,034 in 1993 to $25,351 in 1998. The real wages of African-Americans have risen rapidly in the past two years, up about 5.8 percent for African-American men and 6.2 percent for African-American women since 1996.

The African-American poverty rate has dropped from 33.1 percent in 1993 to 26.1 percent in 1998—the lowest level ever recorded and the largest five-year drop in more than twenty-five years. Since 1993, the child poverty rate among African-Americans has dropped from 46.1 percent to 36.7 percent in 1998—the biggest five-year drop on record. While the African-American child poverty rate is still too high, it is the lowest level on record. As the African-American population continues to expand, we continue to strive to make laws that improve the lives of all Americans so that many more record breaking accomplishments occur.

As we begin the first Census count of the 21st century, we are working to ensure that Census 2000 is the most accurate census possible using the best, most up-to-date methods to make sure every person is counted. According to the Census Bureau, the 1990 Census missed 8.4 million people and double-counted 4.4 million others. Nationally, 4.4 percent of African-Americans were not counted in the 1990 census. While missing or miscounting so many people is a problem, the fact that certain groups—such as children, the poor, people of color, and city dwellers—were missed more often than others made the undercount even more inaccurate. A fair and accurate Census is a fundamental part of a representative democracy and is the basis for providing equality under the law. Therefore, I encourage everyone to make sure your neighbor is counted.

I would also like to observe that the State of Maryland is currently benefitting from a continued growth in our African-American population. Between 1990 and 1997, when the last set of complete figures were available from the Census Bureau, the number of African-Americans calling Maryland ''home'' grew to 1.4 million—an increase of 200,609 people. This makes Maryland the state with the eighth largest African-American population in the United States. Nearby Prince George's County was second in the Nation in terms of growth during this seven-year period with 68,325 new African-American residents. I am confident that an accurate Census 2000 count will show increases in these figures across the state.

I am also most gratified to note that finally, a memorial to honor Dr. Martin Luther King Jr. has been approved and a site near the tidal basin in Washington D.C. was chosen. The sacrifice that Dr. King made for civil rights has touched every element of American society. I am particularly pleased to be involved in this effort to mark the contributions of this great leader. This memorial will join the monuments to Washington, Jefferson, and Lincoln in some of the most hallowed ground in our Nation.

Mr. President, as we look towards the future for African-Americans during this new century, it is my hope that the King Memorial will serve both as a monument to past achievements and our heritage, and also as an inspiration for our Nation to continue the struggle for an equality that includes all Americans.

Mrs. LINCOLN. Mr. President, I rise today to bring your attention to an issue of great concern to many people in my home state of Arkansas.

This week, I introduced a bill, S. 2041, to continue to promote the use of best management practices in the forestry industry by relieving this nation's private timberland owners of an impending unnecessary regulatory burden.

My bill would permanently prohibit the Environmental Protection Agency from requiring water pollution control permits under the National Pollutant Discharge Elimination System for the forestry activities of site preparation, reforestation, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, road construction and maintenance, and nursery operations.

Recently in El Dorado and Texarkana, Arkansas, literally thousands of private timberland owners came together to discuss and express their concerns about this new extension of EPA regulations and to learn of the potential impact they may have on their private property and private forests.

Simply put, my legislation will statutorily ensure that all forestry activities will remain as non-point sources in the eyes of the EPA. Under the Clean Water Act, the EPA has jurisdiction to protect the water quality of the United States by regulating point sources of water pollution.

Let me define what I mean when I speak of ''point'' and ''non-point'' sources of pollution. A point source of pollution is pollution from a single point such as an industrial plant's wastewater pipe or a wastewater drainage ditch. Non-point sources of pollution like rainfall runoff from a field or a forest cannot be defined as a set point. What is important here is that Congress, upon passage of the Clean Water Act in 1972, very clearly did not give the EPA authority to regulate non-point sources of pollution.

The EPA's proposed revisions to the Total Maximum Daily Load requirements of the National Pollutant Discharge Elimination System, issued in September of last year, seeks to change this authority. This proposed regulation would enhance clean water by extending the NPDES point source TMDL water pollution rules to forestry activities. This would be accomplished by reclassifying forestry non-point sources of pollution as point sources of pollution.

The forestry activities included in my legislation have always been considered as non-point sources of water pollution and therefore not subject to EPA regulations. The EPA's new regulation change would require point source water pollution permits for all of these activities. In other words, these new regulations would require permits on the very things we want to promote in forestry—responsible harvesting and thinning operations, best management practices, and reforestation.

I agree with the EPA's objective of cleaning up our nation's impaired rivers, lakes and streams, but firmly believe that its proposed revisions are not the best solution to the problem of clean water. Placing another unnecessary layer of regulation upon our nation's local foresters will only slow down the process of responsible forestry and the implementation of forestry Best Management Practices.

In Arkansas, we have a very successful Best Management Practices program for all forestry activities. In fact, over 85% of Arkansas' private timberland owners voluntarily adhere to these Best Management Practices to reduce water pollution from all forestry activities.

Let me restate that over 85% of Arkansas' private timberland owners voluntarily adhere to these Best Management Practices to reduce water pollution from all forestry activities. This is a wonderful example of where everyone works together to take care of their own environment and have been successful in their efforts!

The EPA's background for the new regulation states that these new requirements of obtaining water permits for forestry activities would take effect only if the state did not develop a satisfactory system of its own, or if a specific water body needed the regulation to remain clean. It also states that only 3 to 9 percent of all non-point source pollution comes from forestry-related activities.

Mr. President, let's talk through each of these forestry-related activities to find out just exactly what each includes as well as what a good Best Management Practices program does to combat potential pollution from each of these.

Site preparation. Generally, site preparation includes removing unwanted vegetation and other material when necessary and before any harvesting of timber can take place. Best Management Practices provide guidelines to minimize the use of equipment and disturbances near streams or other bodies of water, keep equipment out of streamside management zones, and minimize the movement and disturbance of soil.

Reforestation. Reforestation is simply the process of planting trees. Reforestation is the single process that prevents any further erosion of exposed soil. I can't see why we would want to slow down the reforestation process by implementing a permitting process.

Prescribed burning. Prescribed burning is done almost exclusively to prevent potential forest fires. In many of our nation's old growth forests, prescribed burning has prevented what would have been certain destruction of thousands of acres of beautiful forestland. We want to prevent forest fires for the loss of timber as well as for the potential loss of property and life. Best Management Practices provide guidelines for conducting prescribed burning operations and ensuring a minimal potential for erosion and forest fire.

Pest and fire control. If someone is trying to control a forest fire, why do we want to hinder their efforts? For the same reason, we don't want our Nation's forests eaten up by bugs.

Harvesting operations including thinning and, when necessary, clear-cutting. This is the crux of the issue. Timber harvesting is the timber industry. Following Best Management Practices ensures that during any harvesting operation, extreme care is taken to prevent unnecessary water pollution. Best Management Practices encourage thinning of existing forests as opposed to clear-cutting of our Nation's forests. Thinning is going into a forest and removing only a small portion of the timber.

Surface drainage. Surface drainage through a forest is a naturally slow. And, following Arkansas' Best Management Practices, a buffer of trees must be left around all streams and rivers.

Road Maintenance and Construction. It is necessary to have forest roads to reach the available timber. Best Management Practices require the minimization of stream crossings, designing the road to be no wider than necessary, and building roads to minimize the adverse impacts of heavy rain.

Nursery Operations. To conduct any reforestation activities, you must have seedlings to plant. Best Management Practices for nurseries include minimizing soil disturbance, runoff, and chemical application.

Mr. President, the voluntary use of these and many, many other Best Management Practices in Arkansas have successfully reduced and prevented water pollution from all forestry activities. Our nation's private timberland owners should not be burdened with more unnecessary regulations when they are already voluntarily complying with Best Management Practices to effectively reduce water pollution.

Reasonable minds should prevail and agree on a common sense solution to promoting Best Management Practices in the forestry industry without unnecessary regulation and allow states like Arkansas to continue voluntarily implementing our successful best management practices.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 9, 2000, the Federal debt stood at $5,690,617,208,881.34 (Five trillion, six hundred ninety billion, six hundred seventeen million, two hundred eight thousand, eight hundred eighty-one dollars and thirty-four cents).

One year ago, February 9, 1999, the Federal debt stood at $5,585,068,000,000 (Five trillion, five hundred eighty-five billion, sixty-eight million).

Five years ago, February 9, 1995, the Federal debt stood at $4,803,443,000,000 (Four trillion, eight hundred three billion, four hundred forty-three million).

Ten years ago, February 9, 1990, the Federal debt stood at $2,980,491,000,000 (Two trillion, nine hundred eighty billion, four hundred ninety-one million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,710,126,208,881.34 (Two trillion, seven hundred ten billion, one hundred twenty-six million, two hundred eight thousand, eight hundred eighty-one dollars and thirty-four cents) during the past 10 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

2000 ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT—PM 87

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 Joint Economic Committee.

To the Congress of the United States:

Today, the American economy is stronger than ever. We are on the brink of marking the longest economic expansion in our Nation's history. More than 20 million new jobs have been created since Vice President Gore and I took office in January 1993. We now have the lowest unemployment rate in 30 years—even as core inflation has reached its lowest level since 1965.

This expansion has been both deep and broad, reaching Americans of all races, ethnicities, and income levels. African American unemployment and poverty are at their lowest levels on record. Hispanic unemployment is likewise the lowest on record, and poverty among Hispanics is at its lowest level since 1979. A long-running trend of rising income inequality has been halted in the last 7 years. From 1993 to 1998, families at the bottom of the income distribution have enjoyed the same strong income growth as workers at the top.

In 1999 we had the largest dollar surplus in the Federal budget on record and the largest in proportion to our economy since 1951. We are on course to achieve more budget surpluses for many years to come. We have used this unique opportunity to make the right choices for the future over the past 2 years, America has paid down $140 billion in debt held by the public. With my plan to continue to pay down the debt, we are now on track to eliminate the Nation's publicly held debt by 2013. Our fiscal discipline has paid off in lower interest rates, higher private investment, and stronger productivity growth.

These economic successes have not been achieved by accident. They rest on the three pillars of the economic

strategy that the Vice President and I laid out when we took office: fiscal discipline to help reduce interest rates and spur business investment; investing in education, health care, and science and technology to meet the challenges of the 21st century; and opening foreign markets so that American workers have a fair chance to compete abroad. As a result, the American economy is not only strong today; it is well positioned to continue to expand and to widen the circle of opportunity for more Americans.

THE ADMINISTRATION'S ECONOMIC STRATEGY

Our economic strategy was based on a commitment, first, to fiscal discipline. When the Vice President and I took office, the U.S. Government had a budget deficit of $290 billion. Today we have a surplus of $124 billion. This fiscal discipline has helped us launch a virtuous circle of strong investment, increasing productivity, low inflation, and low unemployment.

Second, we have remained true to our commitment to invest in our people. Because success in the global economy depends more than ever on highly skilled workers, we have taken concerned steps to make sure all Americans have the education, skills, and opportunities they need to succeed. That is why, even as we maintained fiscal responsibility, we expanded our investments in education, technology, and training. We have opened the doors of college to all Americans, with tax credits, more affordable student loans, education IRAs, and the HOPE Scholarship tax credits. So that working families will have the means to support themselves, we have increased the minimum wage, expanded the Earned Income Tax Credit (EITC), provided access to health insurance for people with disabilities, and invested in making health insurance coverage available to millions of children.

Third, we have continued to pursue a policy of opening markets. We have achieved historic trade pacts such as the North American Free Trade Agreement and the Uruguay Round agreements, which led to the creation of the World Trade Organization. Negotiations in the wake of the Uruguay Round have yielded market access commitments covering information technology, basic telecommunications, and financial services. We have engaged in bilateral initiatives with Japan and in regional initiatives in Europe, Africa, Asia, the Western Hemisphere, and the Middle East. We have also actively protected our rights under existing trade agreements through the World Trade Organization and helped maintain the Internet as a tax-free zone.

MEETING THE CHALLENGES OF THE FUTURE

Despite the economy's extraordinary performance, we must continue working to meet the challenges of the future. Those challenges include educating our children, improving the health and well-being of all our citizens, providing for our senior citizens, and extending the benefits of the economic expansion to all communities and all parts of this Nation.

We must help our children prepare for life in a global, information-driven economy. Success in this new environment requires that children have a high-quality education. That means safe, modern schools. It means making sure our children have well-trained teachers who demand high standards. It means making sure all schools are equipped with the best new technologies, so that children can harness the tools of the 21st century.

First and foremost, our children cannot continue trying to learn in schools that are so old they are falling apart. One-third of all public schools need extensive repair or replacement. By 2003 we will need an additional 2,400 schools nationwide to accommodate these rising enrollments. That is why, in my State of the Union address, I proposed $24.8 billion in tax credit bonds over 2 years to modernize up to 6,000 schools, and a $1.3 billion school emergency loan and grant proposal to help renovate schools in high-poverty, high-need school districts.

Second, if our children are to succeed in the new digital economy, they must know how to use the tools of the 21st century. That is why the Vice President and I have fought for initiatives like the E-rate, which is providing $2 billion a year to help schools afford to network their classrooms and connect to the Internet. The E-rate and our other initiatives in education technology have gone a long way toward giving all children access to technology in their schools. But there is still a great ''digital divide'' when children go home. Children from wealthy families are far more likely to have access to a computer at home than children from poor or minority families. That is why, in my budget, I propose a new Digital Divide initiative that will expand support for community technology centers in low-income communities; a pilot project to expand home access to computers and the Internet for low-income families; and grants and loan guarantees to accelerate the deployment of high-speed networks in underserved rural and urban communities.

Third, we must continue to make college affordable and accessible for all Americans. I have proposed a college opportunity tax cut, which would invest $30 billion over 10 years in helping millions of families who now struggle to afford college for their children. When fully phased in, this initiative would give families the option to claim a tax deduction or a tax credit on up to $10,000 of tuition and fees for any post-secondary education in which their members enroll, whether college, graduate study, or training courses. I have proposed increases in Pell grants, Supplemental Educational Opportunity Grants, and Work Study. I have also proposed creating new College Completion Challenge Grants to encourage students to stay in college.

We have seen dramatic advances in health care over the course of the 20th century, which have led to an increase in life expectancy of almost 30 years. But much remains to be done to ensure that all have and maintain access to quality medical care. That is why my budget expands health care coverage, calls for passing a strong and enforceable Patients' Bill of Rights, strengthens and modernizes Medicare, addresses long-term care, and continues to promote life-saving research.

My budget invests over $110 billion over 10 years to improve the affordability, accessibility, and quality of health insurance. It will provide a new, affordable health insurance option for uninsured parents as well as accelerate enrollment of uninsured children who are eligible for Medicaid and the State Children's Health Insurance Program. The initiative will expand health insurance options for Americans facing unique barriers to coverage. For example, it will allow certain people aged 55–65 to buy into Medicare, and it will give tax credits to workers who cannot afford the full costs of COBRA coverage after leaving a job. Finally, my initiative will provide funds to strengthen the public hospitals and clinics that provide health care directly to the uninsured. If enacted, this would be the largest investment in health coverage since Medicare was created in 1965, and one of the most significant steps we can take to help working families.

As our Nation ages and we live longer, we face new challenges in Medicare and long-term care. Despite improvements in Medicare in the past 7 years, the program begins this century with the disadvantages of insufficient funding, inadequate benefits, and outdated payment systems. To strengthen and modernize the program, I have proposed a comprehensive reform plan that would make Medicare more competitive and efficient and invest $400 billion over the next 10 years in extending solvency through 2025 and adding a long-overdue, voluntary prescription drug benefit.

The aging of America also underscores the need to build systems to provide long-term care. More than 5 million Americans require long-term care because of significant limitations due to illness or disability. About two-thirds of them are older Americans. That is why I have proposed a $27 billion investment over 10 years in long-term care. Its centerpiece is a $3,000 tax credit to defray the cost of long-term care. In addition, I propose to expand access to home-based care, to establish new support networks for caregivers, and to promote quality private long-term care insurance by offering it to Federal employees at group rates.

We must continue to make this economic expansion reach out to every corner of our country, leaving no town, city, or Native American reservation behind, That is why I am asking the Congress to authorize two additional

components of our New Markets agenda. The first is the New Markets Venture Capital Firms program, geared toward helping small and first-time businesses. The second is America's Private Investment Companies, modeled on the Overseas Private Investment Corporation, to help larger businesses expand or relocate to distressed inner-city and rural areas. Overall the New Markets initiative could spur $22 billion of new equity investment in our underserved communities.

I am also proposing a new initiative called First Accounts, to expand access to financial services for low- and moderate-income Americans. We will work with private financial institutions to encourage the creation of low-cost bank accounts for low-income families. We will help bring more automated teller machines to safe places in low-income communities, such as the post office. And we will educate Americans about managing household finances and building assets over time.

To further increase opportunities for working families, I am proposing another expansion of the EITC to provide tax relief for 6.4 million hard-pressed families—with additional benefits for families with three or more children. We have seen the dramatic effects that our 1993 expansion of the EITC had in reducing poverty and encouraging work: 4.3 million people were directly lifted out of poverty by the EITC in 1998 alone. More single mothers are working than ever before, and the child poverty rate is at its lowest since 1980.

Our initiatives to open overseas markets will continue. We have successfully concluded bilateral negotiations on China's accession to the World Trade Organization and now seek congressional action to provide China with permanent normal trade relations. The United States will also work to give the least developed countries greater access to global markets. We will participate in the scheduled multilateral talks to liberalize trade in services and agriculture and will continue to press our trading partners to launch a new round of negotiations within the World Trade Organization.

We have a historic opportunity to answer the challenges ahead: to increase economic opportunity for all American families; to provide quality, affordable child care, health care, and long-term care; and to give our children the best education in the world. Working together, we can meet these great challenges and make this new millennium one of ever-increasing promise, hope, and opportunity for all Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 2000.*

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–7496. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–100, –200, and –300 Series Airplanes; Request for Comments; Docket No. 2000–NM–08 (2–1/2–3)'' (RIN2120–AA64) (2000–0052), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7497. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2B19 Series Airplanes; Docket No. 99–NM–34 (2–7/2–7)'' (RIN2120–AA64) (2000–0065), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7498. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Aircraft Company Beech Models 65–90, 65–A90, B90, and C–90; Request for Comments; Docket No. 99–CE–92 (2–1/2–1)'' (RIN2120–AA64) (2000–0053), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7499. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Model Hawker 800 and 1000 Airplanes and Model DH.125, HS.125, BH.125, and BAe.125 Series Airplanes; Docket No. 99–NM–160 (2–7/2–7)'' (RIN2120–AA64) (2000–0056), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7500. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. Model MU–2B Series Airplanes; Docket No. 99–CE–38 (2–7/2–4)'' (RIN2120–AA64) (2000–0073), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7501. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Harbin Aircraft Manufacturing Corporation Model Y12IV Airplanes; Docket No. 99–CE–41 (2–4/2–7)'' (RIN2120–AA64) (2000–0074), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7502. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; SOCATA-Groupe AEROSPATRIALE Model TBM 700 Airplanes; Docket No. 99–CE–50 (2–4/2–7)'' (RIN2120–AA64) (2000–0071), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7503. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes; Docket No. 99–CE–64 (2–4/2–7)'' (RIN2120–AA64) (2000–0072), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7504. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Twin Commander Aircraft Corporation 600 Series Airplanes; Docket No. 99–CE–51 (2–4/2–7)'' (RIN2120–AA64) (2000–0070), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7505. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Model 4101 Airplanes; Docket No. 99–NM–309 (2–3/2–3)'' (RIN2120–AA64) (2000–0064), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7506. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aero-Space Technologies of Australia Pty. Ltd. Models N22B and N24A Airplanes; Docket No. 99–CE–47 (2–4/2–7)'' (RIN2120–AA64) (2000–0076), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7507. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empressa Brasileira de Aeronautica S.A. Models EMB–110P1 and EMPB–110P2 Airplanes; Docket No. 99–CE–42 (2–4/2–7)'' (RIN2120–AA64) (2000–0075), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7508. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Short Brothers and Harland Ltd. Models SC–7 and 2 and SC–7 Series 3 Airplanes; Docket No. 97–CE–99 (2–1/2–3)'' (RIN2120–AA64) (2000–0054), received February 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7509. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. Model MU–2B Series Airplanes; Docket No. 99–CE–38 (2–7/2–4)'' (RIN2120–AA64) (2000–0073), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7510. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model SA.315B Helicopters; Docket No. 98–SW–63 (2–7/2–7)'' (RIN2120–AA64) (2000–0077), received February 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7511. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to written certificates OMB received from agencies that have assessed the impact of their policies and regulations on the family; to the Committee on Appropriations.

EC–7512. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a quarterly report on the denial of safeguards information; to the Committee on Environment and Public Works.

EC–7513. A communication from the Assistant Comptroller General, transmitting a report entitled ''Funding Trends and Opportunities to Improve Investment Decisions''; to the Committee on Governmental Affairs.

EC–7514. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Executive Agency Ethics Training

Programs Regulation Amendments'' (RIN3209–AA07), received February 9, 2000; to the Committee on Governmental Affairs.

EC–7515. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Timelines Under the Head Start Appeals Process'' (RIN0970–AB87), received February 9, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–7516. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Gastroenterology-Urology Devices: Reclassification of the Penile Rigidity Implant'' (Docket No. 97N–0481), received February 9, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–7517. A communication from the Deputy General Counsel, Small Business Administration transmitting, pursuant to law, the report of a rule entitled ''Small Business Investment Companies'' (RIN3245–AE08), received February 9, 2000; to the Committee on Small Business.

EC–7518. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled ''Information Collection Approval; Technical Amendment to Affordable Housing Program Rule'' (RIN3069–AA93), received February 9, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7519. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled ''Information Collection Approval; Technical Amendment to Community Support Requirements Rule'' (RIN3069–AA95), received February 9, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7520. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the percentage of funds that were expended during the preceding two fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors; to the Committee on Armed Services.

EC–7521. A communication from the Director, Office of Federal Procurement Policy, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to Cost Accounting Standards; to the Committee on Armed Services.

EC–7522. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Mentor-Protege Program Improvements'' (DFARS Case 99-D307), received February 9, 2000; to the Committee on Armed Services.

EC–7523. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Delegation of Class Deviation Authority'' (DFARS Case 99–D027), received February 9, 2000; to the Committee on Armed Services.

EC–7524. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''People's Republic of China'' (DFARS Case 98–D305), received February 9, 2000; to the Committee on Armed Services.

EC–7525. A communication from the Acting Director, Defense Procurement, Department of Defense transmitting, pursuant to law, the report of a rule entitled ''OMB Circular A–119'' (DFARS Case 99–D024), received February 9, 2000; to the Committee on Armed Services.

EC–7526. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report of its 2000 compensation program adjustments; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7527. A communication from the Acting Administrator, Agricultural Research Service, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Amendment of Fee Schedule, National Agricultural Library'' (RIN0518–AA01), received February 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7528. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration transmitting, pursuant to law, the report of a rule entitled ''Standard Clause for Export Controlled Technology,'' received February 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7530. 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 in the Eastern Aleutian District and Bering Sea subarea of the Bering Sea and Aleutian Islands,'' received January 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7531. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Middlebury, Berlin and Hardwick, VT'' (MM Docket No. 98–72, RM–9265, RM–9368), received February 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7532. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Alberton and Big Sky, MT, Albany and Seymour, TX and Inglis, FL'' (MM Dockets No. 99–304. 99–307, 99–286, 99–303, and 99–306), received February 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7533. 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; Fishing Vessels Greater than 99 feet LOA Catching Pollock for Processing by the Inshore Component Independently of a Cooperative in the Bering Sea,'' received February 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7534. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report of foreign aviation authorities to which the Administrator provided services in the preceding fiscal year; to the Committee on Commerce, Science, and Transportation.

EC–7535. A communication from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report on actions taken in respect to the New England fishing capacity reduction initiative; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–403. A joint resolution adopted by the Legislature of the Commonwealth of Massachusetts relative to the Highland Links Golf Course in the Town of Truro, MA; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, the town of Truro was incorporated as a town of this commonwealth in 1709; and

Whereas, the Highlands Links is a 107 year-old golf course located in Truro within the boundaries of the mational seashore; and

Whereas, the town of Truro has operated and managed the Highland Links Golf Course for over 10 years in a professional and efficient manner; and

Whereas, the town of Truro is the only known municipality in the United States operating a concession for the National Park Service; and

Whereas, the proposed interpretation of title IV of the National Parks Omnibus Management Act of 1998, and the proposed National Park Service rules, 36 CFR part 51, interpret new concession contract procedures in a manner requiring the National Park Service to solicit public bids to operate the Highland Links Golf Course; and

Whereas, such a public bid for these services would not be in the public interest and would disturb a long-standing and historically significant contractual arrangement benefiting the town and its residents; and

Whereas, private operation would harm the public interest and destroy a piece of the unique character of Cape Cod; now therefore be it

Resolved, That the Massachusetts general court strongly favors a change to the Code of Federal Regulations allowing a contract for concessions to be awarded to a governmental unit operating a concession in the public interest, without public solicitation and respectfully requests the National Park Service to accommodate the will of the town of Truro to continue the unique arrangement for operation of the Highland Links Golf Course as it has for 30 years; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the National Park Service.

POM–404. A resolution adopted by the House of the General Assembly of the State of Rhode Island relative to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on Foreign Relations

HOUSE RESOLUTION

Whereas, A twenty-year study by the United Nations reported that women face discrimination in every region on earth; and

Whereas, In 1979, the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women, and President Carter sent the convention to the Senate Foreign Relations Committee for ratification where it has remained; and

Whereas, Currently, one hundred sixty-five (165) nations, including all of the industrialized world, except South Africa and the United States, have agreed to be bound by the convention's provisions; and

Whereas, The spirit of the convention is rooted in the goals of the United Nations to affirm faith in fundamental human rights, in the dignity and worth of the human person,

and in the equal rights of men and women; and

Whereas, The convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based on sex, and the nations in support of the present convention have agreed to follow convention prescriptions; and

Whereas, Women constitute at least forty-one percent of the work force worldwide yet are far behind men in pay, power, and responsibility; and

Whereas, Nearly seventy percent of the world's poor are women; and

Whereas, On average, women around the world earn thirty to forty percent less than men for work of comparable value; and

Whereas, Twelve countries have laws that do not allow women to seek employment, open a bank account, or apply for a loan without the husband's authorization; and

Whereas, Thirty-three and six-tenths percent of the adult female population is illiterate versus 19.4 percent of the adult male population; and

Whereas, Young women face discrimination in the classroom which undermines their self-esteem and jeopardizes their future performance; and

Whereas, Over sixty percent of the women and girls in the world live under conditions which threaten their health; and

Whereas, Eleven percent of the women in industrialized countries suffer from nutritional anemia, and up to two-thirds of pregnant women in Africa and much of Asia are anemic; and

Whereas, In Austria, violence against wives was cited as a contributing factor in 59 percent of 1,500 divorce cases that were reviewed; and

Whereas, In the United States six million women are beaten by their husbands or boyfriends each year, and 1,500 of them will die; and

Whereas, Battering is the major cause of injury to women in the United States; and

Whereas, In India, registered cases of women being killed in disputes over their dowries soared from 999 in 1985 to 1,786 in 1987; and

Whereas, Kuwait is the only country in the world that extends voting privileges to certain citizens, but prohibits all women from voting; and

Whereas, Although women have made major gains in the struggle for equality in social, business, political, legal, educational, and other fields in this century, there is much yet to be accomplished, and through its support and leadership, the United States can help create a world where women are no longer discriminated against and can achieve one of the most fundamental of human rights, equality; now, therefore, be it

Resolved, That his House of Representatives of the State of Rhode Island and Providence Plantations hereby respectfully urges President William J. Clinton and Secretary of State Madeleine Albright to place the United Nations Convention on the Elimination of All Forms of Discrimination Against Women in the highest category of priority in order to accelerate the treaty's passage through the Senate Foreign Relations Committee; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the President of the United States, the Secretary of State of the United States, the President of the United States Senate, the Chair of the Senate Foreign Relations Committee, and to the members of the Rhode Island Delegation to the Congress of the United States.

POM–405. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to the Low Income Home Energy Assistance Program, the United States strategic petroleum reserves and to negotiate with OPEC or non-OPEC countries for additional oil reserves or supplies; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION

Whereas, Fuel, in particular diesel fuel, and home heating oil prices have skyrocketed to record highs in the first weeks of 2000, threatening this Commonwealth's citizens' well-being and safety to crisis proportions; and

Whereas, Retail prices of home heating fuel and diesel fuel in some areas of this Commonwealth have reached $2 per gallon, and level rack prices of diesel fuel are 106% higher than they were in the first week of February 1999; and

Whereas, The impact of escalating oil prices on an industry that is operating on narrow profit margins is being compounded by driver shortages and other increased costs; and

Whereas, These increases dramatically affect prices for essential utility and municipal services, and increases in transportation costs threaten jobs and could cause major disruption of vital supplies and other goods and services; and

Whereas, Home heating oil supplies are extremely tight, particularly in the Mid-Atlantic and the Northeast, and weather forecasts call for continued below-normal temperatures; and

Whereas, Refineries in Pennsylvania and other states must produce more home heating fuel, which may cause shortages of other oil products such as gasoline, kerosene and undyed diesel fuel, thereby driving up prices accordingly; and

Whereas, The Organization of the Petroleum Exporting Countries (OPEC) has indicated its desire to extend existing output cuts amounting to over 4 million barrels per day, resulting in nearly triple prices in less than one year, devastation to world economic growth and inflation; and

Whereas, According to the International Energy Agency, global oil supplies could be as much as 3 million barrels per day below demand in the first quarter of 2000, and as much as 1.5 million barrels per day below requirements in the second quarter; and

Whereas, A mid-January snowstorm, which occurred in the northeast region of the United States, triggered even faster price increases in Pennsylvania, resulting in United States light crude oil selling just 4¢ below the $30 per barrel mark; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge the President of the United States and the Secretary of Energy to take immediate action to release emergency funding to the State for the Low Income Home Energy Assistance Program (LIHEAP) and to release the United States strategic petroleum reserves, negotiate release of additional oil reserves from non-OPEC countries or negotiate with OPEC on additional supplies; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the Secretary of Energy, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 251. A resolution designating March 25, 2000, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.''

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 671. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1638. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI for the Committee on Energy and Natural Resources.

Sylvia V. Baca, of New Mexico, to be an Assistant Secretary of the Interior.

(The above nomination was reported with the recommendation that she be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second time by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2051. A bill to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 2052. A bill to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to community, business, and the economic development of Native American communities; to the Committee on Indian Affairs.

By Mr. JEFFORDS:

S. 2053. A bill to amend the Internal Revenue Code of 1986 to provide marriage tax penalty relief for earned income credit; to the Committee on Finance.

By Mr. MACK:

S. 2054. A bill for the relief of Sandra J. Pilot; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 2055. A bill to establish the Katie Poirier Abduction Emergency Fund, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON (for himself and Mr. CRAIG):

S. 2056. A bill to amend the Richard B. Russell National School Lunch Act to ensure an adequate level of commodity purchases under the school lunch program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MURKOWSKI:

S. 2057. A bill to amend the Communications Act of 1934 to prohibit the use of electronic measurement units (EMUs); to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. KENNEDY, Mr. DURBIN, and Mrs. FEINSTEIN):

S. 2058. A bill to extend filing deadlines for applications for adjustment of status of certain Cuban, Nicaraguan, and Haitian nationals; to the Committee on the Judiciary.

By Mr. SARBANES:

S. 2059. A bill to modify land conveyance authority relating to the former Naval Training Center, Bainbridge, Cecil County, Maryland, and for other purposes; to the Committee on Armed Services.

By Mrs. FEINSTEIN (for herself, Mr. DURBIN, Mrs. BOXER, Mr. BAUCUS, and Mr. HELMS):

S. 2060. A bill to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

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

S. 2061. A bill to establish a crime prevention and computer education initiative; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mr. DURBIN, Mr. ABRAHAM, Mr. BAUCUS, Mr. CLELAND, Mr. DODD, Mr. LEVIN, and Mr. SESSIONS):

S. 2062. A bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Governmental Affairs.

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

S. 2063. A bill to amend title 18, United States code, to provide for the applicability to operators of Internet Web sites of restrictions on the disclosure or records and other information relating to the use of such sites, and for other purposes; to the Committee on the Judiciary.

By Mr. EDWARDS (for himself and Mr. BIDEN):

S. 2064. A bill to amend the Missing Children's Assistance Act, to expand the purpose of the National Center for Missing and Exploited Children to cover individuals who are at least 18 but have not yet attained the age of 22; to the Committee on the Judiciary.

By Mr. EDWARDS:

S. 2065. A bill to authorize the Attorney General to provide grants for organizations to find missing adults; to the Committee on the Judiciary.

By Mr. CLELAND:

S. 2066. A bill to amend the Internal Revenue Code of 1986 to exclude United States savings bond income from gross income if used to pay long-term care expenses; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ABRAHAM):

S. 2067. A bill to provide education and training for the information age; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG:

S. 2068. A bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI:

S. 2069. A bill to permit the conveyance of certain land in Powell, Wyoming; to the Committee on Energy and Natural Resources.

By Mr. FITZGERALD (for himself and Mrs. LINCOLN):

S. 2070. A bill to improve safety standards for child restraints in motor vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON:

S. 2071. A bill to benefit electricity consumers by promoting the reliability of the bulk-power system; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. LAUTNEBERG, Mr. LIEBERMAN, and Mr. JEFFORDS):

S. 2072. A bill to require the Secretary of Energy to report to Congress on the readiness of the heating oil and propane industries; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. LEVIN, Mr. FEINGOLD, Mr. MOYNIHAN, and Mr. AKAKA):

S. 2073. A bill to reduce the risk that innocent people may be executed, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SPECTER (for himself, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mrs. BOXER, Mr. BREAUX, Mr. CHAFEE, Mrs. LINCOLN, Mr. CLELAND, Ms. COLLINS, Mr. CONRAD, Mr. CRAIG, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. INOUYE, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LUGAR, Mr. MACK, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SCHUMER, Mr. SHELBY, Mr. SMITH of Oregon, Mr. THURMOND, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, Ms. SNOWE, Mr. JEFFORDS, Mr. JOHNSON, Mr. SESSIONS, Mr. STEVENS, and Mr. LIEBERMAN):

S. Res. 256. A resolution designating the week of February 14–18, 2000, as ''National Heart Failure Awareness Week''; considered and agreed to.

By Mr. CRAIG (for himself, Mr. INHOFE, Mrs. HUTCHISON, and Mr. CRAPO):

S. Res. 257. A resolution expressing the sense of the Senate regarding the responsibility of the United States to ensure that the Panama Canal will remain open and secure to vessels of all nations; to the Committee on Foreign Relations.

By Mr. CRAIG (for himself, Mr. AKAKA, Mr. ALLARD, Mr. CLELAND, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. GORTON, Mr. GRAMS, Mrs. HUTCHISON, Mr. INOUYE, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. LOTT, Mr. MCCONNELL, Mrs. MURRAY Mr. SMITH of Oregon, and Mr. SPECTER):

S. Res. 258. A resolution designating the week beginning March 12, 2000 as ''National Safe Place Week''; to the Committee on the Judiciary.

By Mr. LOTT:

S. Con. Res. 80. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. ROTH (for himself, Mrs. MURRAY, Mr. BINGAMAN, Mr. EDWARDS, Mr. CRAPO, Mr. DODD, Mr. THOMAS, and Mrs. FEINSTEIN):

S. Con. Res. 81. A concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2051. A bill to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

THE GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT ACT OF 2000

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this legislation to permit the National Park Service to expand the boundaries of the Golden Gate National Recreation Area (GGNRA) by acquiring critical natural landscapes and scenic vistas. This includes land in San Mateo County, as well as land in San Francisco and Marin County.

A key component of this legislation is that about half of the total cost of purchasing these lands will be donated by the local community. This legislation specifically provides that all land transactions involve a willing seller and willing buyer.

In introducing this bill, I am joined by my esteemed colleague from California, Senator BARBARA BOXER. This bill also has the bipartisan support of the entire Bay Area Congressional Delegation including original co-sponsors in the House, Representatives TOM LANTOS, NANCY PELOSI, and LYNN WOOLSEY.

Furthermore, this bill also has the strong support of local environmental and advocacy and preservation groups, the Point Reyes National Seashore Advisory Commission, and the National Park Service. I know of no opposition to this bill.

The three Marin County properties lie in the Marin headlands. Preservation of these lands will protect habitat, ridge-top trails and scenic views of San Francisco Bay and the Pacific Ocean.

The San Francisco land along the pacific coastline, the city of San Francisco would like to donate to the federal government and has authorized $100,000 for the restoration of this site.

The legislation also proposes to include land near Labos Creek, adjacent to the Presido-West Gate, which was damaged during a severe storm in 1997. The American Land Conservancy intends to acquire this land and donate it to the National Park Service. Lobos Creek is the key source of the Presidio's water supply and a unique ecological resource.

Together, these parcels offer beautiful vistas, sweeping coastal views and spectacular headland scenery and the preservation of unique bayland ecosystems with added public access. Much of this land also protects the

habitat of several species of rare or endangered plants and animals. Several of the vegetation communities is home to at least 18 endangered or threatened species including the winter-run chinook salmon, American peregrine falcon, the mission blue butterfly and the southwestern pond turtle.

I urge my colleagues to support passage of the Golden Gate National Recreation Area Boundary Adjustment Act.

By Mr. CAMPBELL:

S. 2052. A bill to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to community, business, and the economic development of Native American communities; to the Committee on Indian Affairs.

INDIAN TRIBAL DEVELOPMENT CONSOLIDATED FUNDING ACT OF 2000

Mr. CAMPBELL. Mr. President, though there are glimmers of hope in Native communities, most Native Americans remain racked by unemployment, mired in poverty, and rank at or near the bottom of nearly every social and economic indicator in the nation.

For years the Committee on Indian Affairs, which I chair, has made strengthening Indian economies a top priority. Healthy tribal economies and lower unemployment rates are imperative if tribes are to achieve the goals of self-sufficiency and true self-determination.

Although federal economic development assistance has been available for years, poverty, ill health, and unemployment remain rampant.

One of the reasons for the lack of success despite spending billions of dollars, is the lack of a consistent or consolidated federal policy to target development resources. Indian business, economic and community development programs span the entire federal government and for any given project undertaken by a tribe, there may be 6 to 8 or more agencies involved. This fragmentation and lack of coordination is not producing the kind of progress Indian country so badly needs.

To begin to remedy this problem, today I am pleased to introduce legislation that builds on the most successful federal Indian policy to date: Indian self-determination.

The Indian Self-Determination and Education Assistance Act, which was enacted in 1975, authorizes Indian tribes and tribal consortia to ''step into the shoes'' of the federal government to administer programs and services historically provided by the United States.

This Act has worked as it was intended and has resulted in improved efficiency of program delivery and service quality; better managed tribal institutions; stronger tribal economies; and a general shift away from federal control over Indian lives to more local, tribal authority.

What began as a Demonstration Project in 1975 has blossomed as more and more tribal governments realize the benefits of self governance.

As of 1999, nearly 48% of all Bureau of Indian Affairs (BIA) and 50% of all Indian Health Service (IHS) programs and services have been assumed by tribes under the Indian Self-Determination Act.

The legislation I introduce today will begin the second phase of the Self-Determination experiment by assistant Indian tribes in their use and maximization of existing federal resources for purposes of economic development.

By authorizing tribes and tribal consortia to consolidate and target existing federal funds for development purposes, this bill will promote a more efficient use of federal resources. Perhaps more importantly, the legislation will lay the foundation for a development strategy that looks to employment creation, investment and improved standards of living in Indian country as the real measure of a successful development policy.

One of the key goals of this bill is to eliminate inconsistencies and duplication in federal policies that continue to be a barrier to Indian development through the issuance of uniform regulations and policies governing the use of funds across federal agencies.

By authorizing federal-tribal arrangements to combine and coordinate federal resources, this bill will make the best use of existing federal programs to assist tribes in attracting private investment and capital onto Indian reservations.

Already in this session we have addressed other building blocks to Indian development such as financing housing construction and physical infrastructure, the need for good governance practices at the federal and tribal levels, ensuring adequate capital for entrepreneurs, and encouraging private sector investment into Native communities.

I am hopeful that the legislation I introduce today will signal a new day for how the federal government assists Native communities in creating jobs and building a better future for their members.

I ask unanimous consent that a copy 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. 2052

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

SECTION 1. TITLE.

The Act may be cited as the ''Indian Tribal Development Consolidated Funding Act of 2000''.

SEC. 2. FINDINGS; PURPOSES.

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

(1) A unique legal and political relationship exists between the United States and Indian tribes that is reflected in article I, clause 3 of the Constitution of the United States, various treaties, Federal statutes, Supreme Court decisions, executive agreements, and course of dealing.

(2) Despite the infusion of substantial Federal dollars into Native American communities over several decades, the majority of Native Americans remain mired in poverty, unemployment, and despair.

(3) The efforts of the United States to foster community, economic, and business development in Native American communities have been hampered by fragmentation of authority, responsibility and performance and by lack of timeliness and coordination in resources and decision-making.

(4) The effectiveness of Federal and tribal efforts to generate employment opportunities and bring value-added activities and economic growth to Native American communities depends on cooperative arrangements among the various Federal agencies and Indian tribes.

(b) PURPOSES.—It is the purpose of this Act to—

(1) enable Indian tribes and tribal organizations to use available Federal assistance more effectively and efficiently;

(2) adapt and target such assistance more readily to particular needs through wider use of projects that are supported by more than 1 executive agency, assistance program, or appropriation of the Federal Government;

(3) encourage Federal-tribal arrangements under which Indian tribes and tribal organizations may more effectively and efficiently combine Federal and tribal resources to support economic development projects;

(4) promote the coordination of Native American economic programs to maximize the benefits of these programs to encourage a more consolidated, national policy for economic development; and

(5) establish a demonstration project to aid Indian tribes in obtaining Federal resources and in more efficiently administering these resources for the furtherance of tribal self-governance and self-determination.

SEC. 3. DEFINITIONS.

In this title:

(1) APPLICANT.—The term ''applicant'' means an Indian tribe or tribal organization applying for assistance for a community, economic, or business development project, including facilities to improve the environment, housing, roads, community facilities, business and industrial facilities, transportation, roads and highway, and community facilities.

(2) ASSISTANCE.—The term ''assistance'' means the transfer of anything of value for a public purpose or support or stimulation that is—

(A) authorized by a law of the United States; and

(B) provided by the Federal Government through grant or contractual arrangements, including technical assistance programs providing assistance by loan, loan guarantee, or insurance.

(3) ASSISTANCE PROGRAM.—The term ''assistance program'' means any program of the Federal Government that provides assistance for which Indian tribes or tribal organizations are eligible.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) PROJECT.—The term ''project'' means an undertaking that includes components that contribute materially to carrying out 1 purpose or closely-related purposes that are proposed or approved for assistance under more than 1 Federal Government program.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given such term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. LEAD AGENCY.

The lead agency for purposes of carrying out this Act shall be the Department of the Interior.

SEC. 5. SELECTION OF PARTICIPATING TRIBES.

(a) PARTICIPANTS.—

(1) IN GENERAL.—The Secretary may select not to exceed 24 Indian tribes in each fiscal year from the applicant pool described in subsection (b) to participate in the projects carried out under this Act.

(2) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a program or activity to which this Act applies may form a consortium to participate as a single Indian tribe under paragraph (1).

(b) APPLICANT POOL.—The applicant pool described in this subsection shall consist of each Indian tribe that—

(1) successfully completes the planning phase described in subsection (c);

(2) has requested participation in a project under this Act through a resolution or other official action of the tribal governing body; and

(3) has demonstrated, for the 3 fiscal years immediately preceding the fiscal year for which the requested participation is being made, financial stability and financial management capability as demonstrated by the Indian tribe having no material audit exceptions in the required annual audit of the self-determination contracts of the tribe.

(c) PLANNING PHASE.—Each Indian tribe seeking to participate in a project under this Act shall complete a planning phase that shall include legal and budgetary research and internal tribal government and organizational preparation. The tribe shall be eligible for a grant under this section to plan and negotiate participation in a project under this Act.

SEC. 6. AUTHORITY OF HEADS OF EXECUTIVE AGENCIES.

(a) IN GENERAL.—The President, acting through the heads of the appropriate executive agencies, shall promulgate regulations necessary to carry out this Act and to ensure that this Act is applied and implemented by all executive agencies.

(b) SCOPE OF COVERAGE.—The executive agencies that are included within the scope of this Act shall include—

(1) the Department of Agriculture;

(2) the Department of Commerce;

(3) the Department of Defense;

(4) the Department of Education;

(5) the Department of Health and Human Services;

(6) the Department of Housing and Urban Development;

(7) the Department of the Interior;

(8) the Department of Labor; and

(9) the Environmental Protection Agency.

(c) ACTIVITIES.—Notwithstanding any other provision of law, the head of each executive agency, acting alone or jointly through an agreement with another executive agency, may—

(1) identify related Federal programs that are likely to be particularly suitable in providing for the joint financing of specific kinds of projects;

(2) assist in planning and developing projects to be financed through different Federal programs;

(3) with respect to Federal programs or projects that are identified or developed under paragraphs (1) or (2), develop and prescribe—

(A) guidelines;

(B) model or illustrative projects;

(C) joint or common application forms; and

(D) other materials or guidance;

(4) review administrative program requirements to identify those requirements that may impede the joint financing of projects and modify such requirement when appropriate;

(5) establish common technical and administrative regulations for related Federal programs to assist in providing joint financing to support a specific project or class of projects; and

(6) establish joint or common application processing and project supervision procedures, including procedures for designating—

(A) a lead agency responsible for processing applications; and

(B) a managing agency responsible for project supervision.

(d) REQUIREMENTS.—In carrying out this Act, the head of each executive agency shall—

(1) take all appropriate actions to carry out this Act when administering a Federal assistance program; and

(2) consult and cooperate with the heads of other executive agencies to carry out this Act in assisting in the administration of Federal assistance programs of other executive agencies that may be used to jointly finance projects undertaken by Indian tribes or tribal organizations.

SEC. 7. PROCEDURES FOR PROCESSING REQUESTS FOR JOINT FINANCING.

In processing an application or request for assistance for a project to be financed in accordance with this Act by at least 2 assistance programs, the head of an executive agency shall take all appropriate actions to ensure that—

(1) required reviews and approvals are handled expeditiously;

(2) complete account is taken of special considerations of timing that are made known to the head of the agency involved by the applicant that would affect the feasibility of a jointly financed project;

(3) an applicant is required to deal with a minimum number of representatives of the Federal Government;

(4) an applicant is promptly informed of a decision or special problem that could affect the feasibility of providing joint assistance under the application; and

(5) an applicant is not required to get information or assurances from 1 executive agency for a requesting executive agency when the requesting agency makes the information or assurances directly.

SEC. 8. UNIFORM ADMINISTRATIVE PROCEDURES.

(a) IN GENERAL.—To make participation in a project simpler than would otherwise be possible because of the application of varying or conflicting technical or administrative regulations or procedures that are not specifically required by the statute that authorizes the Federal program under which such project is funded, the head of an executive agency may promulgate uniform regulations concerning inconsistent or conflicting requirements with respect to—

(1) the financial administration of the project including accounting, reporting and auditing, and maintaining a separate bank account, to the extent consistent with this Act;

(2) the timing of payments by the Federal Government for the project when 1 payment schedule or a combined payment schedule is to be established for the project;

(3) the provision of assistance by grant rather than procurement contract; and

(4) the accountability for, or the disposition of, records, property, or structures acquired or constructed with assistance from the Federal Government under the project.

(b) REVIEW.—In making the processing of applications for assistance under a project simpler under this Act, the head of an executive agency may provide for review of proposals for a project by a single panel, board, or committee where reviews by separate panels, boards, or committees are not specifically required by the statute that authorizes the Federal program under which such project is funded.

SEC. 9. DELEGATION OF SUPERVISION OF ASSISTANCE.

Pursuant to regulations established to implement this Act, the head of an executive agency may delegate or otherwise enter into an arrangement to have another executive agency carry out or supervise a project or class or projects jointly financed in accordance with this Act. Such a delegation—

(1) shall be made under conditions ensuring that the duties and powers delegated are exercised consistent with Federal law; and

(2) may not be made in a manner that relieves the head of an executive agency of responsibility for the proper and efficient management of a project for which the agency provides assistance.

SEC. 10. JOINT ASSISTANCE FUNDS AND PROJECT FACILITATION.

(a) JOINT ASSISTANCE FUND.—In providing support for a project in accordance with this Act, the head of an executive agency may provide for the establishment by the applicant of a joint assistance fund to ensure that amounts received from more than 1 Federal assistance program or appropriation are more effectively administered.

(b) AGREEMENT.—A joint assistance fund may only be established under subsection (a) in accordance with an agreement by the executive agencies involved concerning the responsibilities of each such agency. Such an agreement shall—

(1) ensure the availability of necessary information to the executive agencies and Congress;

(2) provide that the agency administering the fund is responsible and accountable by program and appropriation for the amounts provided for the purposes of each account in the fund; and

(3) include procedures for returning an excess amount in the fund to participating executive agencies under the applicable appropriation (an excess amount of an expired appropriation lapses from the fund).

SEC. 11. FINANCIAL MANAGEMENT, ACCOUNTABILITY AND AUDITS.

(a) SINGLE AUDIT ACT.—Recipients of funding provided in accordance with this Act shall be subject to the provisions of chapter 75 of title 31, United States Code.

(b) RECORDS.—With respect to each project financed through an account in a joint management fund established under section 10, the recipient of amounts from the fund shall maintain records as required by the head of the executive agencies responsible for administering the fund. Such records shall include—

(1) the amount and disposition by the recipient of assistance received under each Federal assistance program and appropriation;

(2) the total cost of the project for which such assistance was given or used;

(3) that part of the cost of the project provided from other sources; and

(4) other records that will make it easier to conduct an audit of the project.

(c) AVAILABILITY.—Records of a recipient related to an amount received from a joint management fund under this Act shall be made available to the head of the executive agency responsible for administering the fund and the Comptroller General for inspection and audit.

SEC. 12. TECHNICAL ASSISTANCE AND PERSONNEL TRAINING.

Amounts available for technical assistance and personnel training under any Federal assistance program shall be available for technical assistance and training under a project

approved for joint financing under this Act where a portion of such financing involves such Federal assistance program and another assistance program.

SEC. 13. JOINT FINANCING FOR FEDERAL-TRIBAL ASSISTED PROJECTS.

Under regulations promulgated under this Act, the head of an executive agency may enter into an agreement with a State to extend the benefits of this Act to a project that involves assistance from at least 1 executive agency and at least 1 tribal agency or instrumentality. The agreement may include arrangements to process requests or administer assistance on a joint basis.

SEC. 14. REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the President shall prepare and submit to Congress a report concerning the actions taken under this Act together with recommendations for the continuation of this Act or proposed amendments thereto. Such report shall include a detailed evaluation of the operation of this Act, including information on the benefits and costs of jointly financed projects that accrue to participating Indian tribes and tribal organizations.

By Mr. JEFFORDS:

S. 2053. A bill to amend the Internal Revenue Code of 1986 to provide marriage tax penalty relief for earned income credit; to the Committee on Finance.

MARRIAGE TAX PENALTY RELIEF

Mr. JEFFORDS. Mr. President, today I am introducing a bill to reduce the marriage penalty built into the Earned Income Tax Credit—the EITC. It appears that Congress may well act to address the marriage penalty this year. Eliminating the marriage penalty is a worthwhile goal. A marriage license shouldn't come with a higher tax bill from Uncle Sam. As we consider this issue, however, I want to make sure that low-income taxpayers are not left out of the debate. In terms of dollars, the EITC marriage penalty may be relatively small, but for workers trying to raise children on low wages it represents a significant loss of income, and it may well deter couples from marrying.

Though our nation's economy continues to thrive, many Americans still struggle to make ends meet. Working families across the nation hover above the poverty level, striving to stay off welfare and yearning to provide a decent life for their children. We can and must do more to help these families. And we can do it through the tax code in a manner that is proven and fair, using the earned income tax credit. The EITC is a refundable tax credit specifically targeted to help low-income workers and their families. In my state of Vermont, with soaring housing costs and spiking fuel costs, the EITC has proven effective in supplementing the income of working families.

By some estimates, the EITC has moved more than two million children out of poverty. One recent report calls it the most effective safety net program for children in working poor families. In 1999, the EITC provided low-income working families with two children a subsidy of roughly 40 cents for every dollar of income. But after income reaches a certain point, the EITC is gradually phased out.

Unfortunately, a marriage penalty is built into the EITC. This marriage penalty exists because a married couple's combined earnings put them at a higher point in the EITC phase-out range than where one or both of them would have been if they had remained single. If, for example, one minimum wage earner marries another minimum wage earner with two children, the couple's EITC would be over $1,300 less than the combined EITC they would have received if they hadn't gotten married. For working families that subsist on the minimum wage, this is a significant loss—more than half of their combined wages for a month.

To reduce the EITC marriage penalty, the bill I'm introducing will extend the point at which the EITC begins to phase out. This is the approach I advocated, and which was subsequently adopted in last year's tax bill. It is also the approach adopted in the bill passed by the Ways and Means Committee. The difference between my bill and these other bills is the amount by which the beginning point of the phase-out range would be extended. The other bills proposed to extend it by $2,000. I propose to extend it by $3,500; this would provide significantly more marriage penalty relief. My back-of-the-envelope calculations indicate that my bill would eliminate about half of the marriage penalties built into the EITC.

I do not have a cost estimate for this bill. For the Ways and Means marriage penalty bill, the Joint Committee on Taxation estimated that a $2,000 extension of the beginning point of the EITC phase-out would cost $11 billion over 10 years. This is a relatively small part of a bill whose overall 10-year cost is $182 billion.

Last year, the conferees on the tax bill initially chose not to include help for EITC taxpayers in the marriage penalty provisions. I threatened to vote against the bill, probably depriving it of a majority in the Senate. The conference was reopened, and relief of the EITC marriage penalty was included in the final bill. I think that shows how strongly I feel about this issue. I'm glad that the House has looked out for low-income taxpayers in its marriage penalty bill. Still, I think we can do better.

By Mr. WELLSTONE:

S. 2055. A bill to establish the Katie Poirier Abduction Emergency Fund, and for other purposes; to the Committee on the Judiciary.

KATIE'S LAW

Mr. WELLSTONE. Mr. President, I rise to introduce a piece of legislation that I hope will be called Katie's Law. This past year, colleagues, in Carlton County, we lost a young, beautiful woman who worked at a convenience store. She was abducted. Everybody in the community helped the family. Tragically, later her body was recovered. A suspect has been arrested for her murder.

I have, along with Sheila, stayed in close touch with Katie's family. We have talked quite often with her mother Pam, her dad Steve, and her brother Patrick.

When I went to the service, I couldn't even stand it, just to see the pain. This never should have happened.

I thought about what I could do as a Senator to make a difference. I, therefore, started talking to a lot of our rural law enforcement people. They told me that whatever we could do in Congress, the key would be to enhance their ability to respond quickly and aggressively to such crimes, that that would make a difference.

So there are two pieces to this piece of legislation. I hope I will get tremendous bipartisan support.

The first is an abduction emergency fund called the Katie Poirier Abduction Emergency Fund. Basically, what I am saying, colleagues, is that for rural law enforcement, especially in the critical first 72 hours, they should never have to worry about whether they will have the resources and what the cost will be. This will be an emergency fund they can draw upon from the Attorney General, to State agencies, down to the local level. For our rural law enforcement community, this is critically important.

Then the second piece is to provide local law enforcement officers with resources to use the latest identification systems to solve and prevent crime. In our metropolitan areas we have the technology, but in our rural communities quite often our local law enforcement communities do not have the capacity to link up with systems such as the FBI's very sophisticated fingerprint identification system. This can be the difference between 2 hours and 2 months. There will be money that will go to local law enforcement, rural law enforcement so they can be able to take advantage of this technology.

Altogether, with the abduction emergency fund, we are talking about $10 million over 3 years, for $30 million; and on the technology upgrade for rural law enforcement, we are talking about $20 million over 3 years, for $60 million—total cost for 3 years, $90 million.

This is incredibly important to rural America. It is an investment we should make. While I know no piece of legislation can ever provide 100 percent safety for our children, I do know this piece of legislation will make a difference for rural law enforcement and will provide some protection for our children and will provide some protection for our rural citizens.

I have never been more determined to pass any piece of legislation than this small step. It is something I think I should do as a Senator. I think as Senators talk to their rural communities from around the country, they will find this does meet a very critical need.

By Mr. JOHNSON (for himself and Mr. CRAIG):

S. 2056. A bill to amend the Richard B. Russell National School Lunch Act to ensure an adequate level of commodity purchases under the school lunch program; to the Committee on Agriculture, Nutrition, and Forestry.

EMERGENCY COMMODITY DISTRIBUTION ACT

Mr. CRAIG. Mr. President, I rise today to join my colleague Senator JOHNSON in introducing the Emergency Commodity Distribution Act of 2000.

Children are our future. I strongly believe each child deserves at least one warm, nutritious meal every day. I stand before you today with a new bill that will restore $500 million to the School Lunch Program. The positive impacts of this program are endless. Children should not have to pay the price of not having enough money for food.

Originally enacted in 1946, the school lunch program set goals to improve children's nutrition, increase low-income children's access to nutritious meals, and to help support the agricultural industry. A family of four has to have an income at or below 130 percent of the federal poverty level to qualify for a free lunch. The income for these families is tragically low. Congress has a role in providing these children with assistance their families cannot provide.

Last year, Congress enacted the Ticket to Work and Work Incentives Improvement Act. This legislation amended the School Lunch Act to require the United States Department of Agriculture to count the value of bonus commodities when it determines the total amount of commodity assistance provided to schools. This change will result in a $500 million budget cut for the school lunch program over a nine-year period.

In FY1998, the school lunch program comprised over 90 percent of schools, with some 90,000 schools enrolling 46.5 million children. Children receiving free lunches averaged 13 million a day, and those receiving reduced price lunches averaged 2.2 million a day. Each state and millions of children are affected. This program provides a basic requirement of food for needy children.

No child should be without food. The Emergency Commodity Distribution Act of 2000 would ensure that schools receive the full value of entitlement commodity assistance, and allow the School Lunch Program to continue to meet its dual purpose of supporting American agriculture while providing nutritious food to schools across the country. I urge members to support this bill, support children, and support our future.

By Mr. MURKOWSKI:

S. 2057. A bill to amend the Communications Act of 1934 to prohibit the use of electronic measurement units (EMUs); to the Committee on Commerce, Science, and Transportation.

THE MOTORISTS PRIVACY ACT OF 2000

Mr. MURKOWSKI. Mr. President, I rise today to introduce the Motorists Privacy Act of 2000. This legislation has become necessary because technological advancements threaten to allow government and private enterprise to develop a vast database of information about the comings and goings of ordinary Americans.

Recently, I learned of a device known as an electronic measurement unit (EMU). EMUs are placed on billboards along highways and at the entrances to stadiums and concert locations in Atlanta, Indianapolis, Los Angeles, Phoenix, Boston, and a variety of other cities throughout the nation. These shoebox size devices instantly determine what radio station a car radio is tuned to by detecting electronic signals emitted from the oscillators in every car radio.

These devices are capable of measuring tens of thousands of radios in passing cars every day. And they provide nearly instantaneous information on the number of people listening to a radio station at any given time. This valuable data can then be sold to radio owners, who can then adjust their advertising rates based on listenership.

Mr. President, there is nothing wrong with surveying radio usage so long as a citizen voluntarily chooses to participate in such a survey. However, when private enterprise or the government begin to monitor radio or television usage, without the knowledge of the citizen, then a line is crossed that can only lead down the path to Big Brother. And as far as this Senator is concerned, that is not going to happen so long as I am a Member of the Senate.

When a citizen is sitting inside of his or her car, there is a 100 percent expectation of privacy that what is said and listened to is private. Motorists, rightfully, should have no suspicion that they are being monitored by the government or by private enterprise. However, in the case of EMUs, few motorists are aware that these devices even exist and in most cases, no attempt is made to inform motorists when they enter an area in which EMUs are utilized.

Mr. President, what right does a company or government have to snoop on what people are listening to in their automobiles? It is not a very great leap to imagine a world where EMUs track not only what you listen to in the car, but combined with remote television cameras, track your driving patterns. And surely, such devices could be installed in neighborhoods in order to monitor what families watch on television in their homes. Surely such invasions of privacy cannot be tolerated.

Therefore, I am today introducing the Motorists Privacy Act which outlaws the use of electronic measurement units to scan car radios. Regardless of whether or not these scans are anonymous, motorists deserve the same expectation of privacy within their cars as does a homeowner. 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. 2057

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 ''Motorists Privacy Act of 2000''.

SEC. 2. PROHIBITION ON USE OF ELECTRONIC MEASUREMENT UNITS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following new section:

''SEC. 338. PROHIBITION ON USE OF ELECTRONIC MEASUREMENT UNITS.

''(a) PROHIBITION.—No person may install, post, operate, or otherwise use an electronic measurement unit (EMU).

''(b) ELECTRONIC MEASUREMENT UNIT DEFINED.—In subsection (a), the term 'electronic measurement unit (EMU)' means a device that determines the frequency of the radio broadcast being received by a radio receiver located within a vehicle passing through the operating range of the device.''.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. KENNEDY, Mr. DURBIN, and Mrs. FEINSTEIN):

S. 2058. A bill to extend filing deadlines for applications for adjustment of status of certain Cuban, Nicaraguan, and Haitian nationals; to the Committee on the Judiciary.

LEGISLATION TO EXTEND FILING DEADLINES FOR APPLICATIONS FOR ADJUSTMENT OF STATUS OF CERTAIN CUBAN, NICARAGUAN, AND HAITIAN NATIONALS

Mr. GRAHAM. Mr. President, I come to the Senate floor this afternoon to introduce legislation which has as its objective to assure a greater measure of fairness to a particularly vulnerable group of Central American and Caribbean nationals who, in many cases, for many years have resided in the United States.

I appreciate the support of my colleagues: Senators MACK, KENNEDY, DURBIN, and FEINSTEIN, who join in this effort as cosponsors.

For some background: In 1997, and again in 1998, Congress passed legislation to protect, first, a group of Central American and Cuban nationals and then a similar group of Haitian nationals who were refugees and were threatened with deportation.

Action was needed in those 2 years because of passage of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, which changed immigration rules and did so, in many instances, retroactively. The history of this group of people started during the Presidency of Ronald Reagan. The United States offered protection and legal status to many Central American nationals who were fighting for democracy in their home country or fleeing the war that had ensued. Similarly, during the Presidency of George Bush, Haitian nationals were forced to flee after the overthrow of the elected President, Jean-Bertrand Aristide, in

1994. They were offered protection and legal status in the United States.

In 1996, these Central American and Haitian nationals had been living in our country for years; in the cases of the Central Americans, often longer than a decade. They established businesses. They formed and raised families. They bought homes. They strengthened the communities in which they lived. Then in 1996, with the passage of the Illegal Immigration Reform and Immigrant Responsibility Act, these Central American and Haitian individuals and families were made retroactively deportable. These deportations would have occurred years and years after these nationals had established their lives in the United States.

Congress moved quickly to protect their legal status here by passing the Nicaraguan Adjustment and Central American Relief Act in November of 1997, and then the Haitian Refugee Immigration Fairness Act in October of 1998. These two bills made certain sections of the 1996 immigration law nonretroactive. We mandated in those two pieces of legislation that to apply for relief from deportation under this measure, applications had to be made by a date certain: March 31, 2000.

The sad fact is, in 3 years after one of these pieces of legislation was passed and more than 2 years after another, we are still waiting for the final regulations to be issued for both of these pieces of legislation. The final rules that would help families apply for relief have not yet been issued. Interim regulations were issued for both bills in 1998 and 1999, but in neither case have the regulations become final. There is the very real possibility that the application deadline, March 31, 2000, could come and go before the final regulations, which establish the rules and procedures by which applications will be submitted and evaluated, have even been issued.

Both for reasons of fairness and to promote good Government, we should extend the application deadline for relief. Under this legislation, the new deadline for relief will be 1 year after the date the regulations become final.

I point out to my colleagues that this legislation will not cover any additional individuals who will have the right to apply for the right to live in the United States. No additional persons will be granted eligibility as a result of this legislation beyond those who were made eligible in 1997 and again in 1998. What this legislation does is create a more realistic and fair deadline for individuals Congress has already passed legislation to protect.

This action should be taken because it is fair. First, it is fair to the immigrants. We shouldn't expect them to go through the arduous and very costly application process without the certainty that the regulations which will govern their applications are final.

It is easy to put a human face on this issue. There are scores, hundreds, thousands of examples. Let me just cite one which was brought to my attention by a prominent immigration attorney in Florida. I will call this young woman, in order to protect her privacy, Frances. She is a real human being. Frances is 22 years old. Her parents fled Haiti in the 1980s, when she was a child. Her family settled in Florida. She now has three U.S. citizen brothers and sisters. Tragedy has struck her family on several occasions. Her father died when she was just 7 years old. Her mother died when she was still in her early teens. She finished high school and is now raising her younger brothers and sisters while working. She is an orphan. She would be in the class of persons protected by the 1998 legislation. She is trying now to put together the documents necessary to apply to stay in the United States and not be separated from her U.S. citizen brothers and sisters, the only family she has left.

The 1-year extension and the ability to apply for relief once regulations are final will make a huge difference in the life of this woman, will make a huge difference in her ability to comply with procedures which are probably the most significant in her life.

Today, I am introducing this in an effort to secure as rapid a resolution of these concerns as possible. I am not unmindful of the magnitude of the task Congress has asked the Immigration and Naturalization Service to perform. I don't want to imply that the INS and other Federal agencies should rush through these technical pieces of legislation. However, in situations such as this, where a longer time than expected was needed to develop the regulations, it is only fair to allow a longer time for those who are going to be affected by the law.

I understand the INS has been very thorough and understanding. It has met with individual groups on all sides of this issue. Many of them have been my constituents in Florida. I commend the INS for its willingness to hear all points of view and be thorough in their review before issuing final regulations. However, having said that, I believe nearly 3 years is a reasonable amount of time to have finalized these regulations.

The Nicaraguan Adjustment and Central American Relief Act took only nine pages of text in Public Law 105–100 when it was passed. Similarly, the Haitian Refugee Immigration Fairness Act took less than two pages to print in the CONGRESSIONAL RECORD. These were concise, targeted pieces of legislation. They were not lengthy, complex overhauls of major components of the immigration law. It is plain unfair to give someone a deadline and charge them a substantial fee to file and then to be uncertain as to what the rules will be that will govern those applications. With this legislation, I seek the flexibility to allow more time to apply for relief in a situation where more time than expected was necessary by the agency, the INS, to issue the regulations.

I send to the desk a few of the letters I have received from individuals and advocacy groups and religious leaders calling for this deadline extension, and I ask unanimous consent that these letters from the American Immigration Lawyers Association of South Florida, the Haitian American Foundation, the Haiti Advocacy Agency, all be printed in the RECORD.

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

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, I send the legislation to the desk, which has been cosponsored by Senators MACK, KENNEDY, DURBIN, and FEINSTEIN. I ask my colleagues for their understanding and their support for this legislation—legislation that will ensure the most basic elements of fairness in our democratic system, which will allow people who have fled war and persecution to come to the freedom of the United States and to be treated fairly by our laws.

EXHIBIT NO. 1

AMERICAN IMMIGRATION LAWYERS ASSOCIATION,
SOUTH FLORIDA CHAPTER,
January 24, 2000.

Senator BOB GRAHAM,
U.S. Senate,

Re: Letter of support for your effort to extend application period for HRIFA & NACARA.

DEAR SENATOR GRAHAM: On behalf of the South Florida Chapter of the American Immigration Lawyers Association (AILA) I write this letter of support to encourage you in your effort to introduce legislation to extend the application period for HRIFA & NACARA beneficiaries.

My organization has long-supported both bills and is appreciative of your great efforts in support of these efforts. Please let us know if there is anything we can do to help.

Thank you, Senator GRAHAM.

Sincerely,

MICHAEL D. RAY,
President, AILA South Florida Chapter.

HAITIAN AMERICAN FOUNDATION, INC.,
January 24, 2000.

Hon. BOB GRAHAM,
U.S. Senate, Senate Office Bldg.
Washington, DC.

DEAR SIR: Thank you for introducing legislation to extend the filing period under which HRIFA and NACARA can be filed.

Haitians have had an extraordinarily short period of time to apply—a mere nine months. Due to this narrow time period, many eligible poor people have not been able to apply because of the uncapped INS fee structure and the reluctance of the few pro bono attorneys serving them to submit fee waiver requests for fear that INS might deem the application untimely. As you know, as of December 31, 1999 only 18,000 individuals had applied (of 50,000 INS estimates are eligible).

This low number of applicants is due to the high costs involved. Most families must pay between $1,000 to $2,000 in INS fees alone. Supplement fees—such as the requisite medical exams—are additional financial burdens for applicants.

Extension of the HRIFA and NACARA filing deadline is essential if Congress hopes to help Haitian refugees. Some 30,000 Haitians in South Florida are expected to benefit from such extension.

Your legislation is indispensable and crucial. I applaud your leadership in introducing the legislation and thereby serving as a champion to your constituents.

Sincerely,

LEONIE M. HERMANTIN,
Executive Director.

HAITI ADVOCACY, INC.,
1309 INDEPENDENCE AVENUE SE
Washington, DC, January 31, 2000.

Office of the Hon. BOB GRAHAM,
524 Hart Senate Office Building, Washington, DC.

Re: Extension of HRIFA/NACARA Filing Deadlines.

DEAR SENATOR GRAHAM: We are greatly encouraged that you are introducing legislation to extend the deadlines for applications under the Nicaraguan Adjustment and Central American Relief Act (NACARA) and the Haitian Refugee Immigration Fairness Act (HRIFA).

As you know, more than 2 years has passed since the passage of NACARA and more than one since the passage of HRIFA and the INS has yet to issue final regulations implementing these laws. The statutory deadline for applications under both laws, April 1, 2000, is fast approaching.

Interim regulations contained unreasonably burdensome documentary requirements, excessive fees and lack of appropriate consideration for special groups such as abandoned children and refugees who were compelled to use false documents in order to flee. These and other deficiencies have, to date, prevented all but a minority of those eligible from filing applications.

Hundreds of comments were filed critiquing these and other restrictions as inconsistent with the remedial intent of Congress. We certainly hope that the INS will give full and fair consideration to these comments and ameliorate the shortcomings in the final version. Nevertheless, it is now apparent that any such improvements will be largely, if not completely, negated by the short time remaining before the deadline.

Accordingly, it is fitting and proper to extend the deadlines to one year following the promulgation of such final regulations so that the intended beneficiaries of this important legislation receive the full measure of justice provided under law.

Thank you for your support and kind consideration of our views.

Respectfully,

Merrill Smith, Director; And: Linda Wood Ballard; Maurice Belanger, Senior Policy Associate; National Immigration Forum; 220 I Street NE, Suite 220; Washington DC 20002; Phillip J. Brutus, Esq.; 645 NE 127 Street; North Miami FL 33161; Alison Laird Craig, Member Haitian Studies Association; Ralston H. Deffenbaugh, Jr., President; Lutheran Immigration and Refugee Service; Geary Farrell; 0–261 Luce SW; Grand Rapids, MI 49544; Michael A. Foulkes, Attorney At-Law; 4770 Biscayne Boulevard, Suite 570; Miami FL 33137; Muriel Heiberger, Executive Director Massachusetts Immigrant and Refugee Advocacy; Trevor Jackson, Senior Programmer Analyst; Connecticut Community Colleges—Board of Trustees; Maureen T. Kelleher, Florida Immigrant Advocacy Center; Guy H. Larreur, President, Konbit, L.L.C.; Haitian Immigration Support & Advocate Center; P.O. Box 6736; St. Thomas, VI 00804; John B. Percy; 35 Parsons Road; Enfield CT 06082; Edwige Romulus, Chair; Haitian-American Support Group of Central Florida; William Sage, Interim Director; Church World Service Immigration and Refugee Program; Daniel M. Schweissing; The Center for Haitian Ministries; William Shagan, Supervising Attorney; Lutheran Family and Community Services, Inc.; Althea Stahl, Assistant Professor; Earlham College, Languages and Literatures; Rick Swartz, President, Swartz & Associates; Michele Wucker, Author. Why the Cocks Fight: Dominicans, Haitians, and the Struggle for Hispaniola; 245 West 107th Street, Apt. 9D; New York NYC 10025

By Mr. SARBANES:

S. 2059. A bill to modify land conveyance authority relating to the former Naval Training Center, Bainbridge, Cecil County, Maryland, and for other purposes; to the Committee on Armed Services.

BAINBRIDGE NAVAL TRAINING CENTER LAND CONVEYANCE

Mr. SARBANES. Mr. President, today I am introducing legislation that would alleviate the $500,000 cost associated with the transfer of the former Bainbridge Naval Training Center in Cecil County, Maryland. It is my hope that this bill will help expedite the development of this property by the Bainbridge Development Corporation and the State of Maryland, and allow this site to realize its tremendous potential as soon as possible. Moreover, the money that the BDC will save through this waiver will be put towards salvaging several of the historic buildings on the site, namely, the historic Tome School.

Next week, I will participate in the transfer ceremony for this base, which now represents 1200 acres of pristine and strategically located land. The transfer follows decades of negotiations and cleanup, and I, along with the Navy, my constituents in Cecil County, and the other members of the Maryland State congressional delegation hope to see development of this site begin promptly.

In my view, the transfer of the Bainbridge site is a shining example of what can be accomplished through partnerships between Federal, State, and local governments. I introduce this bill to sustain our momentum and move this property into productive use as expeditiously as possible. Mr. President, I have spoken with the appropriate Navy officials regarding this matter and they have raised no concerns about this waiver. Indeed, this is truly a noncontroversial measure with a very modest cost and I urge my colleagues to support its swift passage.

By Mrs. FEINSTEIN (for herself, Mr. DURBIN, Mrs. BOXER, Mr. BAUCUS, and Mr. HELMS):

S. 2060. A bill to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

LEGISLATION TO AWARD CHARLES SCHULTZ THE CONGRESSIONAL GOLD MEDAL

Mrs. FEINSTEIN. Mr. President, on January 3rd, 2000, Charles Schulz published his last daily ''Peanuts'' comic strip ending a remarkable fifty year run. To commemorate Charles Schulz's extraordinary career, I urge my colleagues to join me in awarding him a Congressional Medal of Honor.

Charles Schulz's body of work in the ''Peanuts'' strip deserves recognition as a national treasure. For half a century, his cartoon illustrations have inspired millions of Americans with its wry humor and endearing cast of characters. Who has not been touched by the trials and tribulations of Charlie Brown, Snoopy, Linus, Lucy, and the rest of the ''Peanuts'' family?

At its peak, Peanuts appeared in close to 3,000 newspapers in 75 countries and was published in over 20 different languages to more than 355 million daily readers. Charles Schulz's television special, ''A Charlie Brown Christmas,'' has run for 34 consecutive years. In all, more that 60 animated specials have been created based on ''Peanuts'' characters. Four feature films, 1,400 books, and a hit Broadway musical about the ''Peanuts'' characters also have been produced.

Charles Schulz's achievements are all the more remarkable because, throughout his career, he has worked without any artistic assistants, unlike most syndicated cartoonists. Schulz has painstakingly drawn every line and frame in his comic strip for 50 years, an unparalleled commitment to his art and profession.

In 1994, while speaking before the National Cartoonists Society, Charles Schulz said of his comic strip, ''There's still a market for things that are clean and decent.'' Charles Schulz has given generations of children a cast of colorful characters to grow up with and to teach the small and large lessons of life.

Seventeen Americans from the arts and entertainment world have been awarded the Congressional Gold Medal for their achievements in the enrichment of American culture. I urge that Charles Schulz become the eighteenth individual so honored. Please join me in recognizing the lifetime contributions of Charles Schulz by awarding him the Congressional Gold Medal.

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

S. 2061. A bill to establish a crime prevention and computer education initiative; to the Committee on the Judiciary.

THE KIDS 2000 ACT

Mr. BIDEN. Mr. President, there has been incredible prosperity that the vast majority of our country is benefiting from—and that prosperity was built on a combination of communication and computers. This technology has opened a whole new world for America. This new technology has driven our economic growth. And, the future lies with those who can master the tools of this new economic age.

It wasn't too long ago that it looked like our time in the sun was behind us.

Behind us was the idea of prosperity in our country. But times have changed over the past few years. And we stand here today with the prospect of a new era of prosperity.

With flexible financial markets, a historic wave of entrepreneurial activity, and the convergence of new technologies from the personal computer to the Internet, we are transforming ourselves into what is now called the ''new economy.''

Look at the numbers: In recent years, Information Technology industries contributed 35% to Gross Domestic Product growth. The Information Technology sector is growing at twice the rate of the rest of the economy. And by 2006, more than half of the U.S. workforce will be employed by industries that are either major producers, or intensive users, of Information Technology.

A lot of what we do—manufacturing, shipping, marketing, are basically the same old functions. But we do virtually all of them in new and better ways thanks to the explosion of information technology. This has increased our productivity in ways that the best economists still don't completely understand.

But, there is one thing that we do understand: those who can master technology will be able to benefit from this great expansion—and that is why we are here today. So no one is left behind.

That is why today I am proud to be introducing legislation, aptly titled Kids 2000, that will be one step in our mission to provide all children with access to technology.

It is my hope, that through a public/private partnership, led by members of Congress and Steve and Jean Case, state-of-the-art computer centers will be placed in Boys & Girls Clubs nationwide. Located in largely under-served communities, Club computer centers will reach precisely the kids who need these resources the most. And none of these kids will be left behind.

One goal of Kids 2000 is to help close the digital divide by providing kids with computers, internet access, and fully comprehensive technical training. As the wonders of computers become increasingly evident and celebrated, certain segments of society still lack access to these resources. Some segments are not participating in this technological revolution that is sweeping across our country.

And the disparities are alarming. Look at the figures: Of households making over $75,000, 80% own computers and 60% use the Internet. Yet, for households making between $10,000–$15,000, only 16% own a computer and only 7% use the Internet.

And it's not just income levels. There are disparities amongst races, education levels and geography. In addition, at all income levels, households with two parents are far more likely than one-parent households to own computers and have Internet access.

The digital divide is also significant because the new digital economy can't run on computers alone. Businesses need workers with computer know-how and Internet literacy. Those who are not competent with the tools of technology will be left behind. Some of them are our kids. They are our responsibility and we cannot let this happen.

And we know what happens to our kids when they are left behind. Their opportunities are vastly reduced, there is despair, and even criminal behavior. But there is something that we can do. And we are here today to begin a significant effort to do just that—to close the digital divide.

Addressing the problems associated with the digital divide is not all this initiative seeks to do. Another goal is to reduce juvenile crime by providing kids with substantive after-school programs.

Everyone has heard me say this time and time again, but let me say this one more time—prevention works.

While kids are learning in these computer centers, they will be off the street and out of harm's way. They will be occupied with constructive activities. School dropout rates will be reduced because kids will realize that they have great potential. Kids 2000 is the ultimate after-school program.

That is precisely why I have asked the Boys and Girls Clubs to host my computer initiative. For decades, the Boys & Girls Clubs of America have provided young people all across the United States with the support and inspiration they need to make it in a world full of peer pressure and crime.

Kids 2000 also makes sense economically. It is estimated that allowing a single youth to drop out of high school and enter a life of drug abuse and crime costs society between $1.7 and $2.3 million. In comparison, Kids 2000 will cost the government a mere $40 per child.

Because I believe that there is a role for the private sector, I have asked my good friends Jean and Steve Case and PowerUp to be an integral part of this initiative. That means computers, America On-Line accounts, educational curriculum, and fully comprehensive technical training in Boys and Girls Clubs nationwide.

And PowerUp is not alone. 3-Com has committed to donating $1 million in networking equipment, MCI Worldcom will be donating educational software and training, American Airlines has agreed to donate free airline travel to train teachers, Ripple Effects Software will donate educational software, and Sabre Inc. will be donating computers.

I want to thank all the corporations that have stepped forward and I hope that there will be many more in the coming months. We can't do this project without the private sector's help.

I want to say thanks to Steve and Jean Case who have been in the forefront of this issue since the beginning and who are participating in this initiative in a very significant way. You know we could not do this without you and I appreciate your generosity and commitment to the cause.

This initiative has brought together so many integral sectors of society. Business, government, the non-profit world. Together, we can make this program a success. Together we can make a difference in the lives of kids and provide our children with the tools they need to live and learn in a world that has become so dependent on technology.

Mr. President, I ask unanimous consent that a copy of this bill be printed in the RECORD.

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

S. 2061

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 ''Kids 2000 Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,300 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

SEC. 3. AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.

(a) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(1) constructive technology-focussed activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-

school hours, weekends, and school vacations;

(2) supervised activities in safe environments for youth; and

(3) full-time staffing with teachers, tutors, and other qualified personnel.

(b) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

SEC. 4. APPLICATIONS.

(a) ELIGIBILITY.—In order to be eligible to receive a grant under this Act, an applicant for a subaward (specified in section 3(b)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(b) APPLICATION REQUIREMENTS.—Each application submitted in accordance with subsection (a) shall include—

(1) a request for a subgrant to be used for the purposes of this Act;

(2) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(3) written assurances that Federal funds received under this Act will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this Act;

(4) written assurances that all activities funded under this Act will be supervised by qualified adults;

(5) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(6) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(7) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

SEC. 5. GRANT AWARDS.

In awarding subgrants under this Act, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this Act.

(b) SOURCE OF FUNDS.—Funds to carry out this Act may be derived from the Violent Crime Reduction Trust Fund.

(c) CONTINUED AVAILABILITY.—Amounts made available under this section shall remain available until expended.

By Mr. DEWINE (for himself, Mr. DURBIN, Mr. ABRAHAM, Mr. BAUCUS, Mr. CLELAND, Mr. DODD, Mr. LEVIN, and Mr. SESSIONS):

S. 2062. A bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Governmental Affairs.

ORGAN AND TISSUE DONATION AWARENESS ''SEMI-POSTAL'' STAMP

Mr. DEWINE. Mr. President, I am pleased to be here today with my friend and colleague from Illinois, Senator DURBIN, to introduce legislation that would authorize the issuance of the organ and tissue donation awareness ''semi-postal'' stamp. With 67,000 people on the organ donation waiting list, we have no time to lose in educating the public about the importance of life-giving organ and tissue donations.

In August 1998, as a result of strong public and congressional interest, the U.S. Postal Service issued a 32-cent organ and tissue donation commemorative stamp. But, just five months later, the postal rate increased to 33-cents. To use the stamp, that meant purchasers would have to buy an additional one-cent stamp to make up the postage difference. Yet, despite this hassle, more than 47 million of the 50 million stamps originally printed have been purchased, demonstrating the strong demand for an organ and tissue donation awareness postage stamp.

Since the U.S. Postal Service does not re-issue commemorative stamps, we are seeking authorization for a ''semi-postal'' stamp. This stamp would sell for up to 25 percent above the value of a first-class stamp, regardless of the price of the first-class stamp, itself. The surplus revenues would be directed to programs that increase organ and tissue donation awareness. The decision to donate an organ or tissue is a life-saving one. However, it is frequently one that family members and loved ones fail to communicate to one another. Every effort we make to remind people that this is a decision that should be communicated before a tragedy strikes is an effort toward saving lives. Whether it is an organ and tissue donation postage stamp or a box that drivers can mark as they renew their drivers' licenses, they are steps that raise awareness of the importance of communicating to family and friends the decision to become an organ or tissue donor.

I would like to thank my colleague, Senator DURBIN, for joining me in introducing this legislation, and Senators ABRAHAM, BAUCUS, CLELAND, DODD, and LEVIN for their co-sponsorship. I have appreciated their support for this bill and for their tremendous work on behalf of organ and tissue donation awareness. I would also like to thank a number of organ and tissue donation groups who support this legislation—the Minority Organ Tissue Transplant Education Program (MOTTEP); the National Kidney Foundation (NKF); the United Network for Organ Sharing (UNOS); Transplant Recipients International Organization, Inc. (TRIO); the Coalition on Donation; Hadassah; the Eye Bank Association of America; the American Society of Transplantation; the American Society of Transplant Surgeons; LifeBanc; and the Association of Organ Procurement Organizations.

I urge my colleagues to join us in supporting this important legislation. Time is of the essence. The waiting list for organs includes 67,000 people, with a new name added to that list every 16 minutes. Moreover, ten to twelve people die every day waiting for an organ to become available. There is simply no time to lose. Every effort we make to increase, and in this case help generate, funds for organ and tissue donation awareness will help to save someone's life.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 2062

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

SECTION 1. SPECIAL POSTAGE STAMPS TO BENEFIT ORGAN AND TISSUE DONATION AWARENESS.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by inserting after section 414 the following:

''§ 414a. Special postage stamps for organ and tissue donation awareness

''(a) In order to afford the public a convenient way to contribute to funding for organ and tissue donation awareness, the Postal Service shall establish a special rate of postage for first-class mail under this section.

''(b) The rate of postage established under this section—

''(1) shall be equal to the regular first-class rate of postage, plus a differential of not to exceed 25 percent;

''(2) shall be set by the Governors in accordance with such procedures as the Governors shall by regulation prescribe (in lieu of the procedures under chapter 36); and

''(3) shall be offered as an alternative to the regular first-class rate of postage.

''(c) The use of the special rate of postage established under this section shall be voluntary on the part of postal patrons.

''(d)(1) The Postal Service shall pay the amounts becoming available for organ and tissue donation awareness under this section to the Department of Health and Human Services for organ and tissue donation awareness programs. Payments under this paragraph to the Department of Health and Human Services shall be made under such arrangements as the Postal Service shall by mutual agreement with the Department establish in order to carry out the purposes of this section, except that, under those arrangements, payments to the Department shall be made at least twice a year. In consultation with donor organizations and other members of the transplant community, the Department of Health and Human Services may make any funds paid to the Department under this section available to donor organizations and other members of the transplant community for donor awareness programs.

''(2) For purposes of this section, the term 'amounts becoming available for organ and tissue donation awareness under this section' means—

''(A) the total amounts received by the Postal Service that it would not have received but for the enactment of this section, reduced by

''(B) an amount sufficient to cover reasonable costs incurred by the Postal Service in

carrying out this section, including those attributable to the printing, sale, and distribution of stamps under this section,

as determined by the Postal Service under regulations that the Postal Service shall prescribe.

''(e) It is the sense of Congress that nothing in this section should—

''(1) directly or indirectly cause a net decrease in total funds received by the Department of Health and Human Services or any other agency of the Government (or any component or program thereof) below the level that would otherwise have been received but for the enactment of this section; or

''(2) affect regular first-class rates of postage or any other regular rates of postage.

''(f) Special postage stamps under this section shall be made available to the public beginning on such date as the Postal Service shall by regulation prescribe, but in no event later than 12 months after the date of the enactment of this section.

''(g) The Postmaster General shall include in each report rendered under section 2402 with respect to any period during any portion of which this section is in effect information concerning the operation of this section, except that, at a minimum, each shall include—

''(1) the total amount described in subsection (d)(2)(A) which was received by the Postal Service during the period covered by such report; and

''(2) of the amount under paragraph (1), how much (in the aggregate and by category) was required for the purposes described in subsection (d)(2)(B).

''(h) This section shall cease to be effective at the end of the 2-year period beginning on the date on which special postage stamps under this section are first made available to the public.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 4 of title 39, United States Code, is amended by striking the item relating to section 414 and inserting the following:

''414. Special postage stamps to benefit breast cancer research.

''414a. Special postage stamps to benefit organ and tissue donation awareness.''.

(2) SECTION HEADING.—The heading for section 414 of title 39, United States Code, is amended to read as follows:

''§ 414. Special postage stamps to benefit breast cancer research''.

By Mr. EDWARDS (for himself and Mr. BIDEN):

S. 2064. A bill to amend the Missing Children's Assistance Act, to expand the purpose of the National Center for Missing and Exploited Children to cover individuals who are at least 18 but have not yet attained the age of 22; to the Committee on the Judiciary.

ABDUCTED YOUNG ADULTS ACT

By Mr. EDWARDS:

S. 2065. A bill to authorize the Attorney General to provide grants for organizations to find missing adults; to the Committee on the Judiciary.

KRISTEN'S LAW

● Mr. EDWARDS. Mr. President, today I introduce two bills that are very important crime fighting measures. My legislation will help provide law enforcement with additional assistance in locating missing people. One bill, the ''Abducted Young Adults Act,'' will give the National Center for Missing and Exploited Children the legal authority to assist law enforcement officers in locating abducted young adults aged 18 through 21. The second bill, ''Kristen's Law,'' authorizes the Attorney General to provide grants to public agencies and nonprofit private organizations that help find missing adults.

Mr. President, let me tell you a story about a girl from my State of North Carolina. Her name is Kristen Modafferi. Kristen was a bright, hard-working student at North Carolina State University. After finishing up her freshman year of college, she traveled to San Francisco to spend the summer taking a photography class at Berkeley. Once Kristen arrived in San Francisco, she started her class and got a couple of jobs to help pay for her expenses. She was settling in and making friends.

On Monday, June 23, 1997, Kristen left work to visit a local beach. She has not been seen since. Kristen was three weeks over the age of 18 when she disappeared.

Law enforcement devoted a great deal of time to finding Kristen and should be commended for their efforts. Despite a number of leads, Kristen has never been found.

For 15 years, since the creation of the National Center for Missing and Exploited Children, our Nation has recognized the vulnerability of young children to abductions and exploitation. We have provided the funding and support vital to ensuring rapid and multi jurisdictional responses to these cases. But in Kristen's case we could not—and all because she was 3 weeks past her 18th birthday. The charter for the National Center for Missing and Exploited Children only allows the Center to help law enforcement search for missing children aged 0 to 18.

When a person involuntarily disappears, time is of the essence. Search efforts must begin quickly, and they must reach across jurisdictions. Abducted youngsters are often taken across state lines. In order to effectively coordinate a search, the groups conducting the search must have an easy way to share information with each other, no matter how far away from one another they may be. The greater the number of agencies helping in the search, the more likely it is that the person will be found. But there is no central, federally-established organization that exists to aid law enforcement in their efforts to locate missing 18–21 year-olds. Unfortunately, Kristen's tragic story illustrates the need for such an organization. And what better way to fill this need than to build upon a reputable, federally-partnered organization—the National Center for Missing and Exploited Children—that already exists to search for missing individuals under 18?

The National Center for Missing and Exploited Children serves as the national clearinghouse for information on missing children and the prevention of child victimization. The Center works in partnership with the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice, and its mission is codified in federal law.

Because the Center was established for the purpose of assisting with cases that involve missing children under the age of 18, the Center does not typically assist with cases involving involuntarily missing college students and other people who happen to be 18 through 21 years old. The sad fact is that had Kristen been just a few weeks younger when she disappeared, the Center would have immediately mobilized to start a search.

One of the measures I introduce today, The Abducted Young Adults Act, would expand the Center's charter to allow it to use its expertise and resources to help find involuntarily missing young adults in the 18 through 21 year-old age group.

Mr. President, some people might inquire why I chose to limit expansion of the Center's mission by only covering individuals under age 22. For example, my bill would not affect the Center's ability to help police search for Kristen's sister Allison and other individuals who are 22 and over. The second bill I am introducing today, Kristen's Act, will help fill this gap. I will discuss that bill in a moment. However, the reason for my decision to limit the expansion of the Center's mission is twofold.

First, although a person is considered a legal adult when they attain the age of 18, I think most people would agree that college-aged kids are just that—kids. Members of this age group are particularly vulnerable to criminals and are frequently victims of crime. They are away from home for the first time in their lives, in an unfamiliar area, without the presence of their parents. I believe that most people would agree that this age group needs special protection.

Statistics demonstrate the need to address the issue of missing young adults and to find a way to provide some additional resources for this group. In fact, according to data from the Charlotte-Mecklenburg Sheriff's office in my state of North Carolina, in 1999, they received reports of 132 missing persons aged 18–21. That's the number for just one city, in just one state in the country. If we were to amass similar statistics for every jurisdiction across the country, I believe we would be astounded at the high rate of disappearances for this age group. For example, in February, 1999, the FBI reported 1,896 new cases of missing 18 through 21-year-olds—1,896 new cases in just one month. This is a frighteningly large number. And I believe that the Abducted Young Adults Act is a necessary protective measure. It will provide some comfort to the millions of parents who send their children to

college every year and worry about their safety: If anything does happen, a national effort will be mobilized to help.

The second reason that the legislation would apply to a limited age group is that I believe the National Center for Missing and Exploited Children should stay focused on its central mission—to help search for missing children.

Since its founding, the Center has helped recover nearly 48,000 children. Imagine the benefit to families and law enforcement if the Center were to help search for abducted young adults. Surely the number of active missing young adult cases would decline if the Center helped with the search efforts. I believe my legislation is a logical extension of the Center's current mission.

My bill would authorize appropriations of $2.5 million per year through 2003 so that the Center does not have to divert any of the funding it needs to effectively search for children. I have worked closely with the Center's staff to ensure that my bill will enhance not harm the Center's current mission. As a result, the Abducted Young Adults Act is fully supported by the Center.

The Fraternal Order of Police (FOP) also strongly supports my legislation. Gilbert Gallegos, National President of the FOP, is a member of the Board of Directors for the Center. As he so aptly states in his letter of support for the bill, ''Just because you turn eighteen is no guarantee that you will not be the victim of a crime.''

Mr. President, I believe that it is important to mention that it is true that some individuals aged 18 through 21 may disappear because they want to. Some of these individuals may live in abusive households. Others may want to start a new life. And because they are considered legal adults, they have the choice to remain missing. In these cases, it may not make sense for law enforcement, the Center, or anyone else to launch a search.

My legislation ensures that the National Center for Missing and Exploited Children will use its public resources to search for only those missing young adults aged 18–21 that law enforcement has first determined to be missing involuntarily.

Specifically, my bill says that in order for an individual to be defined as an involuntarily missing young adult, the following criteria must be met: (1) their whereabouts must be unknown to their parent or guardian; (2) law enforcement must have entered a missing persons report on the individual into the National Crime Information Center; and (3) there must be a reasonable indication or suspicion that the individual has been abducted or is missing under circumstances suggesting foul play or a threat to life; or (4) the individual is known to be suicidal or has a severe medical condition that poses a threat to his or her life.

I believe that the Abducted Young Adults Act is a common-sense way to help prevent further incidences like the one involving Kristen Modafferi. For every child the Center assists in locating, there are a handful of individuals that it cannot help find. If my bill enables the Center to help find just one more missing youngster, then I believe the bill will have succeeded in its goal.

I am pleased that the Abducted Young Adults Act is co-sponsored by Senator BIDEN. Senator BIDEN was instrumental to the establishment of the National Center for Missing and Exploited Children, and I thank him for his leadership and support.

Mr. President, the Abducted Young Adults Act is only one part of the solution. The other part of the solution is to provide the organizations that are devoted to searching for missing adults with the resources they need to be more effective in their efforts to search for all adults, regardless of age.

That is why I am also introducing Kristen's Law, named after Kristen Modafferi. This bill has been introduced in the House of Representatives by Representative SUE MYRICK, and I thank her for her involvement in this issue.

As I mentioned, Kristen's Law would allow the Attorney General to make grants to public agencies or nonprofit private organizations to assist law enforcement and families in locating missing adults. Grants could also be used by these agencies and organizations for a number of other reasons. For example, funds could be used to maintain a national, interconnected database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, diminished mental capacity, or the circumstances of disappearance. And the grants could be used to help establish a national clearinghouse for missing adults and to assist with victim advocacy related to missing adults.

Generally, the greater the number of people conducting a search, the greater the chance is of locating missing individuals. The combination of the Abducted Young Adults Act and Kristen's Law sends a message to families that they deserve all of the help necessary to locate endangered and involuntarily missing loved ones. Together, these bills will help ensure that all endangered and involuntarily missing adults—regardless of age—will receive not only the benefit of search efforts by law enforcement, but also by experienced, specialized organizations.

I request that the text of the two bills be printed in the RECORD.

The material follows:

S. 2064

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 ''Abducted Young Adults Act''.

SEC. 2. FINDINGS IN REGARD TO VULNERABLE INVOLUNTARILY MISSING YOUNG ADULTS.

(a) CONFORMING AMENDMENTS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (2), by inserting after ''these children'' the following: ''and involuntarily missing young adults'';

(2) in paragraph (3), by inserting after ''these children'' the following: ''and involuntarily missing young adults'';

(3) in paragraph (4), by inserting after ''many missing children'' the following: ''and involuntarily missing young adults'';

(4) in paragraph (6), by inserting after ''abducted children'' the following: ''and involuntarily missing young adults''; and

(5) in paragraph (7)—

(A) by inserting after ''leads in missing children'' the following: ''and involuntarily missing young adults''; and

(B) by inserting after ''where the child'' the following: ''or involuntarily missing young adult''.

(b) ADDITIONAL FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended by—

(1) redesignating paragraphs (2) through (21) as paragraphs (3) through (22), respectively; and

(2) inserting after paragraph (1) the following:

''(2) each year many young adults are abducted or are involuntarily missing under circumstances which immediately place them in grave danger;''.

SEC. 3. EXPANSION OF PURPOSE OF NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(2) by adding after paragraph (1) the following:

''(2) the term 'involuntarily missing young adult' means any individual who is at least 18 but has not attained the age of 22 whose whereabouts are unknown to such individual's parent or guardian if law enforcement determines—

''(A) there is a reasonable indication or suspicion that the individual has been abducted or is missing under circumstances suggesting foul play or a threat to life; or

''(B) the individual is known to be suicidal or has a severe medical condition that poses a threat to his or her life;

''(3) the term 'young adult' means any individual who is at least 18 but has not attained the age of 22;''.

SEC. 4. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR IN REGARD TO INVOLUNTARILY MISSING YOUNG ADULTS.

Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting after ''missing children'' the following: ''and involuntarily missing young adults'';

(B) in paragraph (5)(A), by inserting after ''missing children'' the following: ''and involuntarily missing young adults'';

(C) in paragraph (5)(B), by inserting after ''missing children'' the following: ''and involuntarily missing young adults'';

(D) in paragraph (5)(C), by—

(i) inserting after ''missing children'' the following: ''or involuntarily missing young adults''; and

(ii) inserting after ''or to children'' the following: ''or involuntarily missing young adults''; and

(E) in paragraph (5)(I)(iv), by inserting after ''missing children'' the following: ''and involuntarily missing young adults'';

(2) in subsection (b)(1)—

(A) in subparagraph (A)(i), by—

(i) inserting after ''regarding the location of any'' the following: ''involuntarily missing young adult or''; and

(ii) inserting after ''reunite such child with such child's legal custodian'' the following:

''; or request information pertaining to procedures necessary to notify law enforcement about such involuntarily missing young adult'';

(B) in subparagraph (C)(i), by inserting after ''children and their families'' the following: ''and involuntarily missing young adults and their families'';

(C) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (F), (G), and (H), respectively;

(D) by inserting after subparagraph (D) the following:

''(E) to coordinate public and private programs which locate or recover involuntarily missing young adults;'';

(E) in subparagraph (F), as redesignated, by inserting after ''missing and exploited children'' the following: ''and involuntarily missing young adults;'';

(F) in subparagraph (G), as redesignated by inserting after ''missing and exploited children'' the following: ''and involuntarily missing young adults''; and

(G) in subparagraph (H), as redesignated, by inserting after ''missing and exploited children'' the following: ''and involuntarily missing young adults,''; and

(3) in subsection (c)—

(A) paragraph (1), by inserting after ''number of children'' each place it appears (except after ''who are victims of parental kidnapings'') the following: ''and involuntarily missing young adults''; and

(B) in paragraph (2), by inserting after ''missing children'' the following: ''and involuntarily missing young adults''.

SEC. 5. AUTHORITY OF ADMINISTRATOR TO MAKE GRANTS AND ENTER IN CONTRACTS RELATING TO INVOLUNTARILY MISSING YOUNG ADULTS.

Section 405 of the Missing Children's Assistance Act (42 U.S.C. 5775) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting after ''children,'' the first place it appears the following: ''young adults,'';

(ii) by inserting after ''children'' the second place it appears the following: ''or involuntarily missing young adults'';

(B) in paragraph (2), by inserting after ''children'' the following: ''or involuntarily missing young adults'';

(C) in paragraph (3), by inserting after ''children'' the following: ''or involuntarily missing young adults'';

(D) in paragraph (4)—

(i) in the matter before subparagraph (A), by inserting after ''children'' the following: ''or involuntarily missing young adults'';

(ii) in subparagraph (A), by inserting after ''child'' each place it appears the following: ''or involuntarily missing young adult''; and

(iii) in subparagraph (B), by inserting after ''child'' the following: ''or involuntarily missing young adult'';

(E) in paragraph (5), by inserting after ''missing children's'' the following: ''or involuntarily missing young adults' '';

(F) in paragraph (6), by inserting after ''children'' the each place it appears the following: ''or involuntarily missing young adults'';

(G) in paragraph (7), by inserting after ''children'' each place it appears the following: ''or involuntarily missing young adults''; and

(H) in paragraph (9), by inserting after ''children'' the following: ''or involuntarily missing young adults''; and

(2) in subsection (b)(1)—

(A) in subparagraph (A), by inserting after ''children'' the first place it appears the following: ''or involuntarily missing young adults'';

(B) in subparagraph (B), by inserting after ''services to'' the following: ''involuntarily missing young adults,''; and

(C) in subparagraph (C), by inserting after ''children'' the following: ''or involuntarily missing young adults''.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 408(a) of the Missing Children's Assistance Act (42 U.S.C. 5777(a)) is amended by adding at the end the following: ''In addition, there is authorized to be appropriated $2,500,000 for fiscal years 2001 through 2003 to carry out the provisions of the amendments made to this Act by the Abducted Young Adults Act.''.

SEC. 7. SPECIAL STUDY AND REPORT.

(a) STUDY.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin to conduct a study to determine the obstacles that prevent or impede law enforcement from recovering involuntarily missing young adults.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall submit a report to the chairman of the Committee on the Judiciary of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate containing a description, and a summary of the results, of the study conducted under subsection (a).

SEC. 8. REPORTING REQUIREMENT.

Section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779) is amended by adding at the end the following: ''Each Federal, State, and local law enforcement agency may report each case of an involuntarily missing young adult reported to such agency to the National Crime Information Center of the Department of Justice.''.

SEC. 9. STATE REQUIREMENTS.

Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended by—

(1) redesignating paragraph (3) as paragraph (4);

(2) inserting after paragraph (2) the following:

''(3) provide that each involuntarily missing young adult report and all necessary and available information with respect to such report, shall include—

''(A) the name, date of birth, sex, race, height, weight, and eye and hair color of the involuntarily missing young adult;

''(B) the date and location of the last known contact with the involuntarily missing young adult; and

''(C) once the State agency receiving the case has made a determination to enter such report into the State law enforcement system and the National Crime Information Center computer networks, and make such report available to the Missing and Exploited Children Information Clearinghouse within the State or other agency designated within the State to receive such reports, shall immediately enter such report and all necessary and available information described in subparagraphs (A) and (B);'';

(3) in paragraph (4), as redesignated, by striking ''paragraph (2)'' and inserting the following: ''paragraphs (2) and (3)''; and

(4) in paragraph (4)(C), as redesignated, by inserting after ''missing children'' the following: ''and involuntarily missing young adults''.

S. 2065

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 ''Kristen's Law''.

SEC. 2. GRANTS FOR THE ASSISTANCE OF ORGANIZATIONS TO FIND MISSING ADULTS.

(a) IN GENERAL.—The Attorney General may make grants to public agencies or nonprofit private organizations, or combinations thereof, for programs—

(1) to assist law enforcement and families in locating missing adults;

(2) to maintain a national, interconnected database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, diminished mental capacity, or the circumstances of disappearance, when foul play is suspected or circumstances are unknown;

(3) to maintain statistical information of adults reported as missing;

(4) to provide informational resources and referrals to families of missing adults;

(5) to assist in public notification and victim advocacy related to missing adults; and

(6) to establish and maintain a national clearinghouse for missing adults.

(b) REGULATIONS.—The Attorney General may make such rules and regulations as may be necessary to carry out this Act.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $1,000,000 each year for fiscal years 2001 through 2004.●

By Mr. CLELAND:

S. 2066. A bill to amend the Internal Revenue Code of 1986 to exclude United States savings bond income from gross income if used to pay long-term care expenses; to the Committee on Finance.

TAX-EXEMPTION SAVINGS BOND LEGISLATION

● Mr. CLELAND. Mr. President, to support Americans faced with long-term care needs I am proposing a savings bond tax credit. Many people are struggling to pay for the assistive care needs associated with conditions such as Alzheimer's and Parkinson's diseases. An estimated 5.8 million Americans aged 65 or older need long-term care. Nursing home care is only one component of long-term care services that includes assisted living, adult day and home care. Medicare and health insurance do not cover long-term care. In 1995, federal and state spending for nursing home care was approximately $34 billion and an additional $21 billion was used for home care. It is projected that half of all women and a third of men in this country who are now age 65 are likely to spend some time in their later years in a nursing home at a cost from $40,000 to $90,000 per person. About 40% of all nursing home expenses are paid for out-of-pocket by patients and/or family members. Liquidating family assets is often the only way for many to fund the high costs for care. These staggering statistics and the pleas for help from Americans in such situations reinforce the critical need for long-term care assistance.

To qualify for this proposed tax credit, the person receiving care must have at least two limitations in activities of daily living or a comparable cognitive impairment. Activities of daily living, like eating, bathing, and toileting, are basic care needs that must be met. Families that claim parents or parents-in law as dependents on their tax returns can qualify for this tax credit if

savings bonds are used to pay for long-term care services. ''Sandwich generation'' families paying for both college education for their children and long-term care services for their parents can use this tax credit for either program or a combined credit up to the maximum.

Mr. President, I ask that this proposed measure to provide long-term care cost relief be printed in the RECORD.

The bill follows:

S. 2066

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

SECTION 1. EXCLUSION OF UNITED STATES SAVINGS BOND INCOME FROM GROSS INCOME IF USED TO PAY LONG-TERM CARE EXPENSES.

(a) IN GENERAL.—Subsection (a) of section 135 of the Internal Revenue Code of 1986 (relating to income from United States savings bonds used to pay higher education tuition and fees) is amended to read as follows:

''(a) EXCLUSION.—

''(1) GENERAL RULE.—In the case of an individual who pays qualified expenses during the taxable year, no amount shall be includible in gross income by reason of the redemption during such year of any qualified United States savings bond.

''(2) QUALIFIED EXPENSES.—For purposes of this section, the term 'qualified expenses' means—

''(A) qualified higher education expenses, and

''(B) eligible long-term care expenses.''.

(b) LIMITATION WHERE REDEMPTION PROCEEDS EXCEED QUALIFIED EXPENSES.—Section 135(b)(1) of the Internal Revenue Code of 1986 (relating to limitation where redemption proceeds exceed higher education expenses) is amended—

(1) by striking ''higher education'' in subparagraph (A)(ii), and

(2) by striking ''HIGHER EDUCATION'' in the heading thereof.

(c) ELIGIBLE LONG-TERM CARE EXPENSES.—Section 135(c) of the Internal Revenue Code of 1986 (relating to definitions) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) ELIGIBLE LONG-TERM CARE EXPENSES.—The term 'eligible long-term care expenses' means qualified long-term care expenses (as defined in section 7702B(c)) and eligible long-term care premiums (as defined in section 213(d)(10)) of—

''(A) the taxpayer,

''(B) the taxpayer's spouse, or

''(C) any dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151.''.

(d) ADJUSTMENTS.—Section 135(d) of the Internal Revenue Code of 1986 (relating to special rules) is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

''(3) ELIGIBLE LONG-TERM CARE EXPENSE ADJUSTMENTS.—The amount of eligible long-term care expenses otherwise taken into account under subsection (a) with respect to an individual shall be reduced (before the application of subsection (b)) by the sum of—

''(A) any amount paid for qualified long-term care services (as defined in section 7702B(c)) provided to such individual and described in section 213(d)(11), plus

''(B) any amount received by the taxpayer or the taxpayer's spouse or dependents for the payment of eligible long-term care expenses which is excludable from gross income.''.

(e) COORDINATION WITH DEDUCTIONS.—

(1) Section 213 of the Internal Revenue Code of 1986 (relating to medical, dental, etc., expenses) is amended by adding at the end the following new subsection:

''(f) COORDINATION WITH SAVINGS BOND INCOME USED FOR EXPENSES.—Any expense taken into account in determining the exclusion under section 135 shall not be treated as an expense paid for medical care.''.

(2) Section 162(l) of such Code (relating to special rules for health insurance costs of self-employed individuals) is amended by adding at the end the following new paragraph:

''(6) COORDINATION WITH SAVINGS BOND INCOME USED FOR EXPENSES.—Any expense taken into account in determining the exclusion under section 135 shall not be treated as an expense paid for medical care.''.

(f) CLERICAL AMENDMENTS.—

(1) The heading for section 135 of the Internal Revenue Code of 1986 is amended by inserting ''**AND LONG-TERM CARE EXPENSEST1" after "FEES**''.

(2) The item relating to section 135 in the table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting ''and long-term care expenses'' after ''fees''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.●

By Mr. FRIST (for himself and Mr. ABRAHAM):

S. 2067. A bill to provide education and training for the information age; to the Committee on Health, Education, Labor, and Pensions.

AMERICA'S MATH AND SCIENCE EXCELLENCE ACT

Mr. FRIST. Mr. President, I am proud to introduce America's Math and Science Excellence Act that will keep the United States on the cutting edge of the Information Technology (IT) revolution. If we are to prepare our children to meet the demands of our future workforce, we must dedicate ourselves to strengthening math and science literacy. America's Math and Science Excellence Act would authorize funding for math and science education and training through a series of grants awarded by the National Science Foundation and the National Institute of Standards and Technology. This bill would create a long-term strategy to ensure that the IT industry is employing American students who are prepared to enter the workforce with sufficient math and science skills necessary to compete both domestically and internationally.

The Third International Math and Science Study, the most comprehensive and rigorous comparison of quantitative skills across nations, reveals that the longer our students stay in the elementary and public school system, the worse they perform on standardized tests. Their average tests scores continue to drop from the fourth to the twelfth grade. The rapidly changing technology revolution demands skills and proficiency in mathematics, science, and technology. IT, perhaps the fastest growing sector of our economy, relies on more than basic high school literacy in mathematics and science.

This bipartisan legislation targets three specific goals: establishing teacher training and development outreach, providing internship opportunities for students in secondary and higher education, and assisting graduate math, science, and engineering students. America's Math and Science Excellence Act gives priority to applicants who obtain private sector or state matching funds. We must encourage private industry to not only get involved in the education of the future workforce, but also to help direct and guide it.

According to a study by the CEO Forum on Education and Technology, our schools spend an average of $88 per student on computers and only $6 on teacher training. And while the nation's 87,000 schools have approximately six million computers and about 80 percent of the schools have Internet access, the report stated that few teachers are ready to use the technology in their lessons. This is a national tragedy. During the past ten years, we have seen a transformation in classrooms throughout the country. Computers have replaced blackboards and students now depend on the Internet for basic knowledge. Yet teachers are not equipped to incorporate technological tools into their curricula.

The ''IT Teacher Training Grants'' created by this legislation support professional advancement in the related fields of IT for teachers who instruct elementary, secondary, or charter school students. These grants may be used for teacher salaries, fees for attending special conferences, workshops, or training sessions. They may also be used for the development of a compensation system that rewards excellence in math and science related areas. In administering these grants, the National Science Foundation shall give priority consideration to schools that score in the 25th percentile or below for academic performance according to their respective state standards, and programs that provide matching funds from the private sector.

The ''Twenty-First Century Workforce Internship Grants'' will consist of awards to students in secondary schools, as well as students from institutions of higher learning to explore internships in IT. The goal of this program is to transition students' math and science skills into the new digital workforce. By providing them with opportunities to explore the private sector, these grants will enable the next generation of labor to experience the IT professional domain, while maintaining their knowledge and proficiency in basic math, science, and engineering skills.

The national demand for computer scientists, computer engineers, and systems analysts by 2006 is projected to be more than double our current capacity. In addition, the supply of new graduates qualified for these positions is expected to fall significantly short of the number needed. This deficiency of qualified workers in the United States

is due in part to a lack of students pursuing advanced degrees in mathematics, science, and engineering technology. The number of degrees in technical science and engineering fields awarded by American institutions of higher learning has declined dramatically since 1990. Foreign national students in the United States were awarded 47 percent of Doctorate degrees in engineering, 38 percent of Master's degrees, and 46 percent of Doctorate degrees in computer science in 1996. The ''IT State Scholarship Program,'' established in this legislation, targets individual states to provide them with supplementary scholarships for students who want to pursue graduate and doctoral degrees in math, science, engineering, or related fields. Two-thirds of these funds shall be awarded to students from low-income families. Furthermore, the director of the National Science Foundation shall award these grants to states who provide at least one half of the cost of grant.

Finally, this act will reauthorize the National Institutes of Standards and Technology (NIST) to develop a Twenty-First Century Teacher Enhancement Program. This initiative was originally written into statute as part of the ''Technology Administration Authorization Act for Fiscal Year 1999.'' However, we have yet to see the implementation of this program. So I will again request through legislation that NIST establish summer program to provide professional development for elementary and secondary math and science teachers. I continue to believe that offering teachers opportunities to participate in ''hands-on'' experiences at NIST laboratories would be invaluable to their understanding of math and science. Not only would this program develop and improve their teaching strategies and self-confidence in instructing math and science, but it would also demonstrate their impact on commerce.

We cannot continue to marvel at our robust economy without also looking toward the next century and developing a plan to sustain it. The reality is simple: we must prepare our students to enter the workforce and to prosper in the new digital economy. It is not enough to put computers in every classroom if our nation's teachers cannot implement them effectively into their daily lesson plans. Educating our children and the teachers who instruct them is essential to our economic future.

Mr. President, I strongly believe that each of the programs within America's Math and Science Excellence Act will encourage state and local educators, as well as private industry, to engage themselves in the fight to increase basic math and science literacy. These grants target specific long-term deficiencies in the IT workforce shortage and will help create innovative solutions to our current national dilemma. I encourage my colleagues to join me in support of this critical piece of legislation.

By Mr. GREGG:

S. 2068. A bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations; to the Committee on Commerce, Science, and Transportation.

THE RADIO BROADCASTING PRESENTATION ACT OF 2000

● Mr. GREGG. Mr. President, I rise today to introduce the Radio Broadcasting Preservation Act of 2000. On January 20, 2000, the FCC approved a new non-commercial low-power FM (LPFM) radio service. In order for LPFM stations to fit in the FM band, the FCC will have to significantly weaken the existing interference protections it developed and has subscribed to for decades. The public commentary and technical analysis shows that LPFM will cause interference with current FM stations, and thus result in a loss of service to listeners. It is imperative that the integrity of the spectrum is protected and that all individuals have access to local news, weather and emergency information free from interference. Both public and commercial radio stations are opposed to the FCC's proposal in its current form.

These new FCC rules are inconsistent with sound spectrum management. I believe that this issue requires further study, as well as Congressional hearings, to fully examine the impact that LPFM would have on existing FM radio service. Therefore, I am introducing the Radio Broadcasting Preservation Act. This legislation would repeal any prescribed rules authorizing LPFM and revoke LPFM licenses that may be issued prior to the date of enactment of this bill.

While the desire to provide a forum for community groups to have a greater voice is laudable, a multitude of alternatives already exist. Currently, groups may obtain commercial or non-commercial radio licenses, use public access cable, publish newsletters, and utilize Internet web sites and e-mail. It is important that our efforts to create more opportunities for those who support LPFM do not lead to the denial of access for others who depend on FM radio for safety, news, and entertainment. For instance, inexpensive and older radios, particularly vulnerable to interference and most commonly used by low-income and elderly listeners, will sustain the greatest negative impact caused by LPFM.

Furthermore, it is not clear whether the relaxation of first, second, or third adjacent channel protection standards will have an adverse effect on the transition to digital radio. Unlike television broadcasters, who are being given additional free spectrum to broadcast in digital format, radio broadcasters must use the current spectrum allocations to transmit both digital and analog signals, making adjacent channel safeguards all the more important. At a minimum, adding a large number of LPFMs to the already congested FM band will make the transition to digital radio increasingly difficult and problematic.

Finally, the new low-power proposal makes formerly unlicensed, pirate radio operators eligible for LPFM licenses. This ruling re-enforces their unlawful behavior and encourages future illegal activity by opening the door to new unauthorized broadcasters. The introduction of thousands of LPFM stations not only rewards illegal activity, but is certain to undermine the integrity of the radio spectrum, interfering with current FM service and penalizing the listening public. The radio programming supplied to listeners by existing radio stations provides crucial news, weather, and emergency information, as well as cultural entertainment, which must be preserved.

I ask that the text of the bill be printed in the RECORD. The bill follows:

S. 2068

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 ''Radio Broadcasting Preservation Act of 2000''.

SEC. 2. PROHIBITION.

(a) RULES PROHIBITED.—Notwithstanding section 303 of the Communications Act of 1934 (47 U.S.C. 303), the Federal Communications Commission shall not prescribe rules authorizing the operation of new, low power FM radio stations, or establishing a low power radio service, as proposed in MM Docket No. 99–25.

(b) TERMINATION OF PREVIOUSLY PRESCRIBED RULES.—Any rules prescribed by the Federal Communications Commission before the date of the enactment of this Act that would be in violation of the prohibition in subsection (a) if prescribed after such date shall cease to be effective on such date. Any low power radio licenses issued pursuant to such rules before such date shall be void.●

By Mr. FITZGERALD (for himself and Mrs. LINCOLN):

S. 2070. A bill to improve safety standards for child restraints in motor vehicles; to the Committee on Commerce, Science, and Transportation.

THE CHILD PASSENGER SAFETY ACT OF 2000

Mr. FITZGERALD. Mr. President, today, I am introducing legislation that will help us fight one of the leading killers of America's children—the automobile collision. Car crashes account for 1 of every 3 deaths among children.

In the United States we lose an average of 7 of our children every day to car collisions. According to the Insurance Institute for Highway Safety, crash injuries are the leading cause of death for the 5 to 12 year old age group. Regrettably, up to half of the deaths involve children who already are buckled up or restrained in car seats and booster seats.

That is why I am introducing legislation to substantially improve the child safety seats that we buy to protect our children. My bill, ''The Child Passenger

Safety Act of 2000,'' would direct the National Highway Traffic Safety Administration to improve the safety features of car seats, to upgrade the way we test and certify car seats, to consider adopting measures to better protect older children, and to give parents the information they need to shop for, and install, safe car seats for their children.

Over the years, NHTSA has implemented many measures to improve child passenger safety. I applaud, in particular, the NHTSA Administrator's recent efforts to implement a new tether requirement for child seat makers and automobile manufacturers.

But we cannot allow these past successes to obscure a fundamental fact: too many of our children are killed or injured in car crashes every day. We should not wait to begin upgrading the safety of child car seats and booster seats.

The first thing this bill seeks to do is to improve the testing of car seats and booster seats. It calls for the government to consider using more dummies that simulate children of many different ages in these tests. A six-month old has a very different build than an eighteen-month-old, and an eighteen-month-old is very different from a six-year old. In Europe, they use as many as six different child dummies in testing their car seats and booster seats, ranging in age from newborn to ten years. In this country, we do not crash test child safety seats with dummies that represent a premature infant, an eighteen-month-old or a ten-year-old.

Currently, we test car seats on a sled. My bill directs NHTSA to put car seats in some of the actual cars that already are being tested under an existing program. Under this program, called the ''New Car Assessment Program,'' the government buys 40 or so vehicles and crash tests them to see how each would perform in a collision in the real world. Why, Mr. President, could we not put at least one car seat or booster seat in each of these cars? Doing it would help us better understand how these safety seats perform in the real world.

In addition, my bill calls for the government to study ways to update the seat bench that is used in tests of child safety seats to better reflect the design of modern vehicles. The seat bench from a 1975 Chevy Impala with lap belts is what we now use to test car seats.

I am also asking the government to focus attention on how car seats and booster seats perform in rollover, rear-impact, and side-impact crashes, as they do in Europe. These types of crashes are not as common as frontal collisions, but they result in a number of injuries and deaths. Finally, my proposal calls upon NHTSA to increase the funds they spend on testing car seats each year to at least $750,000, from the current $500,000.

Second, we must deal with the problem of head injuries in side-impact crashes and rollovers. Children's heads and necks are even more vulnerable than those of adults, because children's heads are larger in proportion to the rest of their bodies. In Europe, car seats have side impact padding to better protect children's heads in these types of crashes. My bill would require car seat manufacturers in the U.S. to provide the same type of protection.

Third, we must focus more attention on an issue that auto safety advocates have dubbed ''the forgotten child'' problem. The ''forgotten children'' (ages 8–12) have outgrown their car seats but do not fit properly in adult seat belts. In crashes, they are at greater risk than other passengers. My bill calls for NHTSA to close this child safety seat gap, but it leaves it up to NHTSA to decide when and how to do that. The agency could, for example, encourage the states to pass more laws requiring the use of booster seats for older children. They could do it by mounting a public information campaign about the importance of booster seats. Or they could amend our safety standards for seat belts.

Fourth and finally, we must get more information to parents about the safety of various car seats on the market today, as well, Mr. President, as on the correct means of installing car seats. My bill directs NHTSA to institute a new crash test results information system that will help equip parents with the safety information and knowledge they need to make rational choices when they are buying and installing car seats for their children. My bill also requires that the warning labels on child seats be straightforward and written in plain English.

Next week is National Child Passenger Safety Week. What better time than now to make these efforts to protect our children? I urge my colleagues to support this vitally important legislation.

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. 2070

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 ''Child Passenger Protection Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) each day, an average of 7 children are killed and 866 injured in motor vehicle crashes;

(2) certain standards and testing procedures for child restraints in the United States are not as rigorous as those in some other countries;

(3) although the Federal Government establishes safety standards for child restraints, the Federal Government—

(A) permits companies that manufacture child restraints to conduct their own tests for compliance with the safety standards and interpret the results of those tests, but does not require that the manufacturers make the results of the tests public;

(B) has not updated test standards for child restraints—

(i) to reflect the modern designs of motor vehicles in use as of the date of enactment of this Act;

(ii) to take into account the effects of a side-impact crash, a rear-impact crash, or a rollover crash; and

(iii) to require the use of anthropomorphic devices that accurately reflect the heights and masses of children at ages other than newborn, 9 months, 3 years, and 6 years; and

(C) has not issued motor vehicle safety standards that adequately protect children up to the age of 12 who weigh more than 50 pounds; and

(4) the Federal Government should update the test standards for child restraints to reduce the number of children killed or injured in automobile accidents in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHILD RESTRAINT.—The term ''child restraint'' has the meaning given the term ''child restraint system'' in section 571.213 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 4. TESTING OF CHILD RESTRAINTS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall update and improve crash test standards and conditions for child restraints.

(b) ELEMENTS FOR CONSIDERATION.—In carrying out subsection (a), the Secretary shall consider—

(1) whether to conduct more comprehensive and dynamic testing of child restraints than is typically conducted as of the date of enactment of this Act, including the use of test platforms designed—

(A) to simulate an array of accident conditions, such as side-impact crashes, rear-impact crashes, and rollover crashes; and

(B) to reflect the designs of passenger motor vehicles in use as of the date of enactment of this Act;

(2) whether to use an increased number of anthropomorphic devices in a greater variety of heights and masses; and

(3) whether to provide improved protection in motor vehicle accidents for children up to 59.2 inches tall who weigh more than 50 pounds.

(c) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary shall—

(1) require that manufacturers design child restraints to minimize head injuries during side-impact and rollover crashes, including requiring that child restraints have side-impact protection;

(2) include a child restraint in each vehicle crash-tested under the New Car Assessment Program of the Department of Transportation; and

(3) prescribe readily understandable text for any labels that are required to be placed on child restraints.

(d) FUNDING.—For each fiscal year, of the funds made available to the Secretary for activities relating to safety, not less than $750,000 shall be made available to carry out crash testing of child restraints.

SEC. 5. CHILD RESTRAINT SAFETY RATING PROGRAM.

Not later than 2 years after the date of enactment of this Act, the Secretary shall develop and implement a safety rating program for child restraints to provide practicable, readily understandable, and timely information to parents and caretakers for use in making informed decisions in the purchase of child restraints.

By Mr. GORTON:

S. 2071. A bill to benefit electricity consumers by promoting the reliability

of the bulk-power system; to the Committee on Energy and Natural Resources.

ELECTRIC RELIABILITY 2000 ACT

● Mr. GORTON. Mr. President, today I introduce the Electric Reliability 2000 Act, a measure that deals with the somewhat mysterious world of the bulk electricity system. Although most Americans are not experts on the intricacies of interstate electric transmission grids, they need to have confidence that the system will work and their lights and heat will be there when they need them.

This nation's interstate electric transmission system is an extremely complex network that connects with Canada and Mexico. It has developed over decades with various voluntary agreements that allow areas to work together depending on changing power needs that vary from day to day and hour to hour and sometimes minute to minute. These voluntary agreements were developed after a disastrous event in 1965 led to a blackout in New York City and throughout other parts of the Northeast.

Yet a fundamental change has made this voluntary system unworkable for the future. With the expansion of competition in the wholesale electricity market—starting with the 1992 Energy Policy Act—the system of buying and selling wholesale power is now many times more complex than it was just a decade ago. With a stronger economy, electricity usage has increased while thousands of new electricity marketers and buyers have created new stresses on the system.

These stresses to the system have affected many parts of the country. In August 1996, a sagging power line in Oregon made contact with a tree, and combined with other factors led to a power outage that affected over 7 million consumers along the West Coast. Other outages have occurred in different parts of the country since that time.

To address this situation, more than a year ago a group of electricity industry officials began meeting to develop legislative language needed in this new era in electricity. They developed provisions that have been included as a small part of several bills, including the larger restructuring bills developed in the House and by the Clinton administration.

Events in recent months have lent urgency to this issue. I believe it is time to separate the issue of electricity reliability from the larger issue of restructuring. Our continued economic growth is fueled by electricity, and we need to assure the public that the power will be there for their homes and their jobs when they count on it.

The stresses in the system continue to mount. In the summer of 1999, Americans experienced a wide-range of severe electricity outages. The Department of Energy created a team of experts to investigate these outages, and it submitted its report last month. I quote from the report's summary:

In anticipation of competitive markets, some utilities have adopted a strategy of cost cutting that involves reduced spending on reliability. In addition, responsibility for reliability management has been disaggregated to multiple institutions, with utilities, independent system operators, independent power producers, customers, and markets all playing a role. The overall effect has been that the infrastructure for reliability assurance has been considerably eroded.

The report continues:

Moreover, historical levels of electric reliability may not be adequate for the future. The quality of electric power and the assurance that it will always be available are increasingly important in a society that is ever more dependent on electricity.

The report includes several findings that suggest a range of policy questions that need to be addressed in order to assure the reliability of the Nation's bulk power system.

The bill I introduce today includes what has been termed the ''consensus language'' that was developed over the past year by these experts who work on the reliability side of the electricity industry. This bill is not the complete solution to the reliability issue for this industry. It is a good starting point. It creates a process to develop enforceable rules for the bulk-power system, while giving various regions the ability to tailor these rules in ways that make sense for their individual systems and their specific geography.

In addition to setting up rules and a referee to enforce these rules, ''reliability'' also involves many other facets of the electricity industry that are not addressed in this bill: full and open access to transmission systems, effective conservation programs that can help reduce peak system demands, the ability to site electricity generation plants closer to the loads they serve, promoting small-scale distributed generation, such as fuel-cells, throughout the grid, and many other wide-ranging actions. Until we can gain a greater consensus of the need to address these issues, this bill provides the opportunity to begin these discussions.

Despite being described as a consensus bill, there may need to be changes to this legislative language so that it is effective. For example, there are ongoing discussions about the appropriate role for State regulators as their responsibilities relate to the interstate transmission system. Therefore I respectfully request Chairman MURKOWSKI to conduct hearings on this serious issue of the reliability of the bulk power system and also to hold hearings on this bill as the starting point for solving this problem.

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

The bill follows:

S. 2071

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 ''Electric Reliability 2000 Act''.

SEC. 2. ELECTRIC RELIABILITY ORGANIZATION.

(a) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

''SEC. 215. ELECTRIC RELIABILITY ORGANIZATION.

''(a) DEFINITIONS.—In this section:

''(1) AFFILIATED REGIONAL RELIABILITY ENTITY.—The term 'affiliated regional reliability entity' means an entity delegated authority under subsection (h).

''(2) BULK-POWER SYSTEM.—

''(A) IN GENERAL.—The term 'bulk-power system' means all facilities and control systems necessary for operating an interconnected electric power transmission grid or any portion of an interconnected transmission grid.

''(B) INCLUSIONS.—The term 'bulk-power system' includes—

''(i) high voltage transmission lines, substations, control centers, communications, data, and operations planning facilities necessary for the operation of all or any part of the interconnected transmission grid; and

''(ii) the output of generating units necessary to maintain the reliability of the transmission grid.

''(3) BULK-POWER SYSTEM USER.—The term 'bulk-power system user' means an entity that—

''(A) sells, purchases, or transmits electric energy over a bulk-power system; or

''(B) owns, operates, or maintains facilities or control systems that are part of a bulk-power system; or

''(C) is a system operator.

''(4) ELECTRIC RELIABILITY ORGANIZATION.—The term 'electric reliability organization' means the organization designated by the Commission under subsection (d).

''(5) ENTITY RULE.—The term 'entity rule' means a rule adopted by an affiliated regional reliability entity for a specific region and designed to implement or enforce 1 or more organization standards.

''(6) Independent director.—The term 'independent director' means a person that—

''(A) is not an officer or employee of an entity that would reasonably be perceived as having a direct financial interest in the outcome of a decision by the board of directors of the electric reliability organization; and

''(B) does not have a relationship that would interfere with the exercise of independent judgment in carrying out the responsibilities of a director of the electric reliability organization.

''(7) INDUSTRY SECTOR.—The term 'industry sector' means a group of bulk-power system users with substantially similar commercial interests, as determined by the board of directors of the electric reliability organization.

''(8) INTERCONNECTION.—The term 'interconnection' means a geographic area in which the operation of bulk-power system components is synchronized so that the failure of 1 or more of the components may adversely affect the ability of the operators of other components within the interconnection to maintain safe and reliable operation of the facilities within their control.

''(9) ORGANIZATION STANDARD.—

''(A) IN GENERAL.—The term 'organization standard' means a policy or standard adopted by the electric reliability organization to provide for the reliable operation of a bulk-power system.

''(B) INCLUSIONS.—The term 'organization standard' includes—

''(i) an entity rule approved by the electric reliability organization; and

''(ii) a variance approved by the electric reliability organization.

''(10) PUBLIC INTEREST GROUP.—

''(A) IN GENERAL.—The term 'public interest group' means a nonprofit private or public organization that has an interest in the activities of the electric reliability organization.

''(B) INCLUSIONS.—The term 'public interest group' includes—

''(i) a ratepayer advocate;

''(ii) an environmental group; and

''(iii) a State or local government organization that regulates participants in, and promulgates government policy with respect to, the market for electric energy.

''(11) SYSTEM OPERATOR.—

''(A) IN GENERAL.—The term 'system operator' means an entity that operates or is responsible for the operation of a bulk-power system.

''(B) INCLUSIONS.—The term 'system operator' includes—

''(i) a control area operator;

''(ii) an independent system operator;

''(iii) a transmission company;

''(iv) a transmission system operator; and

''(v) a regional security coordinator.

''(12) VARIANCE.—The term 'variance' means an exception from the requirements of an organization standard (including a proposal for an organization standard in a case in which there is no organization standard) that is adopted by an affiliated regional reliability entity and is applicable to all or a part of the region for which the affiliated regional reliability entity is responsible.

''(b) COMMISSION AUTHORITY.—

''(1) JURISDICTION.—Notwithstanding section 201(f), within the United States, the Commission shall have jurisdiction over the electric reliability organization, all affiliated regional reliability entities, all system operators, and all bulk-power system users, including entities described in section 201(f), for purposes of approving organization standards and enforcing compliance with this section.

''(2) DEFINITION OF TERMS.—The Commission may by regulation define any term used in this section consistent with the definitions in subsection (a) and the purpose and intent of this Act.

''(c) EXISTING RELIABILITY STANDARDS.—

''(1) SUBMISSION TO THE COMMISSION.—Before designation of an electric reliability organization under subsection (d), any person, including the North American Electric Reliability Council and its member Regional Reliability Councils, may submit to the Commission any reliability standard, guidance, practice, or amendment to a reliability standard, guidance, or practice that the person proposes to be made mandatory and enforceable.

''(2) REVIEW BY THE COMMISSION.—The Commission, after allowing interested persons an opportunity to submit comments, may approve a proposed mandatory standard, guidance, practice, or amendment submitted under paragraph (1) if the Commission finds that the standard, guidance, or practice is just, reasonable, not unduly discriminatory or preferential, and in the public interest.

''(3) EFFECT OF APPROVAL.—A standard, guidance, or practice shall be mandatory and applicable according to its terms following approval by the Commission and shall remain in effect until it is—

''(A) withdrawn, disapproved, or superseded by an organization standard that is issued or approved by the electric reliability organization and made effective by the Commission under section (e); or

''(B) disapproved by the Commission if, on complaint or upon motion by the Commission and after notice and an opportunity for comment, the Commission finds the standard, guidance, or practice to be unjust, unreasonable, unduly discriminatory or preferential, or not in the public interest.

''(4) ENFORCEABILITY.—A standard, guidance, or practice in effect under this subsection shall be enforceable by the Commission.

''(d) DESIGNATION OF ELECTRIC RELIABILITY ORGANIZATION.—

''(1) REGULATIONS.—

''(A) PROPOSED REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Commission shall propose regulations specifying procedures and requirements for an entity to apply for designation as the electric reliability organization.

''(B) NOTICE AND COMMENT.—The Commission shall provide notice and opportunity for comment on the proposed regulations.

''(C) FINAL REGULATION.—Not later than 180 days after the date of enactment of this section, the Commission shall promulgate final regulations under this subsection.

''(2) APPLICATION.—

''(A) SUBMISSION.—Following the promulgation of final regulations under paragraph (1), an entity may submit an application to the Commission for designation as the electric reliability organization.

''(B) CONTENTS.—The applicant shall describe in the application—

''(i) the governance and procedures of the applicant; and

''(ii) the funding mechanism and initial funding requirements of the applicant.

''(3) NOTICE AND COMMENT.—The Commission shall—

''(A) provide public notice of the application; and

''(B) afford interested parties an opportunity to comment.

''(4) DESIGNATION OF ELECTRIC RELIABILITY ORGANIZATION.—The Commission shall designate the applicant as the electric reliability organization if the Commission determines that the applicant—

''(A) has the ability to develop, implement, and enforce standards that provide for an adequate level of reliability of bulk-power systems;

''(B) permits voluntary membership to any bulk-power system user or public interest group;

''(C) ensures fair representation of its members in the selection of its directors and fair management of its affairs, taking into account the need for efficiency and effectiveness in decisionmaking and operations and the requirements for technical competency in the development of organization standards and the exercise of oversight of bulk-power system reliability;

''(D) ensures that no 2 industry sectors have the ability to control, and no 1 industry sector has the ability to veto, the applicant's discharge of its responsibilities as the electric reliability organization (including actions by committees recommending standards for approval by the board or other board actions to implement and enforce standards);

''(E) provides for governance by a board wholly comprised of independent directors;

''(F) provides a funding mechanism and requirements that—

''(i) are just, reasonable, not unduly discriminatory or preferential and in the public interest; and

''(ii) satisfy the requirements of subsection (l);

''(G) has established procedures for development of organization standards that—

''(i) provide reasonable notice and opportunity for public comment, taking into account the need for efficiency and effectiveness in decisionmaking and operations and the requirements for technical competency in the development of organization standards;

''(ii) ensure openness, a balancing of interests, and due process; and

''(iii) includes alternative procedures to be followed in emergencies;

''(H) has established fair and impartial procedures for implementation and enforcement of organization standards, either directly or through delegation to an affiliated regional reliability entity, including the imposition of penalties, limitations on activities, functions, or operations, or other appropriate sanctions;

''(I) has established procedures for notice and opportunity for public observation of all meetings, except that the procedures for public observation may include alternative procedures for emergencies or for the discussion of information that the directors reasonably determine should take place in closed session, such as litigation, personnel actions, or commercially sensitive information;

''(J) provides for the consideration of recommendations of States and State commissions; and

''(K) addresses other matters that the Commission considers appropriate to ensure that the procedures, governance, and funding of the electric reliability organization are just, reasonable, not unduly discriminatory or preferential, and in the public interest.

''(5) EXCLUSIVE DESIGNATION.—

''(A) IN GENERAL.—The Commission shall designate only 1 electric reliability organization.

''(B) MULTIPLE APPLICATIONS.—If the Commission receives 2 or more timely applications that satisfy the requirements of this subsection, the Commission shall approve only the application that the Commission determines will best implement this section.

''(e) ORGANIZATION STANDARDS.—

''(1) SUBMISSION OF PROPOSALS TO COMMISSION.—

''(A) IN GENERAL.—The electric reliability organization shall submit to the Commission proposals for any new or modified organization standards.

''(B) CONTENTS.—A proposal submitted under subparagraph (A) shall include—

''(i) a concise statement of the purpose of the proposal; and

''(ii) a record of any proceedings conducted with respect to the proposal.

''(2) REVIEW BY THE COMMISSION.—

''(A) NOTICE AND COMMENT.—The Commission shall—

''(i) provide notice of a proposal under paragraph (1); and

''(ii) allow interested persons 30 days to submit comments on the proposal.

''(B) ACTION BY THE COMMISSION.—

''(i) IN GENERAL.—After taking into consideration any submitted comments, the Commission shall approve or disapprove a proposed organization standard not later than the end of the 60-day period beginning on the date of the deadline for the submission of comments, except that the Commission may extend the 60-day period for an additional 90 days for good cause.

''(ii) FAILURE TO ACT.—If the Commission does not approve or disapprove a proposal within the period specified in clause (i), the proposed organization standard shall go into effect subject to its terms, without prejudice to the authority of the Commission to modify the organization standard in accordance with the standards and requirements of this section.

''(C) EFFECTIVE DATE.—An organization standard approved by the Commission shall take effect not earlier than 30 days after the date of the Commission's order of approval.

''(D) STANDARDS FOR APPROVAL.—

''(i) IN GENERAL.—The Commission shall approve a proposed new or modified organization standard if the Commission determines the organization standard to be just,

reasonable, not unduly discriminatory or preferential, and in the public interest.

''(ii) CONSIDERATIONS.—In the exercise of its review responsibilities under this subsection, the Commission—

''(I) shall give due weight to the technical expertise of the electric reliability organization with respect to the content of a new or modified organization standard; but

''(II) shall not defer to the electric reliability organization with respect to the effect of the organization standard on competition.

''(E) REMAND.—A proposed organization standard that is disapproved in whole or in part by the Commission shall be remanded to the electric reliability organization for further consideration.

''(3) ORDERS TO DEVELOP OR MODIFY ORGANIZATION STANDARDS.—The Commission, on complaint or on motion of the Commission, may order the electric reliability organization to develop and submit to the Commission, by a date specified in the order, an organization standard or modification to an existing organization standard to address a specific matter if the Commission considers a new or modified organization standard appropriate to carry out this section, and the electric reliability organization shall develop and submit the organization standard or modification to the Commission in accordance with this subsection.

''(4) VARIANCES AND ENTITY RULES.—

''(A) PROPOSAL.—An affiliated regional reliability entity may propose a variance or entity rule to the electric reliability organization.

''(B) EXPEDITED CONSIDERATION.—If expedited consideration is necessary to provide for bulk-power system reliability, the affiliated regional reliability entity may—

''(i) request that the electric reliability organization expedite consideration of the proposal; and

''(ii) file a notice of the request with the Commission.

''(C) FAILURE TO ACT.—

''(i) IN GENERAL.—If the electric reliability organization fails to adopt the variance or entity rule, in whole or in part, the affiliated regional reliability entity may request that the Commission review the proposal.

''(ii) ACTION BY THE COMMISSION.—If the Commission determines, after a review of the request, that the action of the electric reliability organization did not conform to the applicable standards and procedures approved by the Commission, or if the Commission determines that the variance or entity rule is just, reasonable, not unduly discriminatory or preferential, and in the public interest and that the electric reliability organization has unreasonably rejected or failed to act on the proposal, the Commission may—

''(I) remand the proposal for further consideration by the electric reliability organization; or

''(II) order the electric reliability organization or the affiliated regional reliability entity to develop a variance or entity rule consistent with that requested by the affiliated regional reliability entity.

''(D) PROCEDURE.—A variance or entity rule proposed by an affiliated regional reliability entity shall be submitted to the electric reliability organization for review and submission to the Commission in accordance with the procedures specified in paragraph (2).

''(5) IMMEDIATE EFFECTIVENESS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, a new or modified organization standard shall take effect immediately on submission to the Commission without notice or comment if the electric reliability organization—

''(i) determines that an emergency exists requiring that the new or modified organization standard take effect immediately without notice or comment;

''(ii) notifies the Commission as soon as practicable after making the determination;

''(iii) submits the new or modified organization standard to the Commission not later than 5 days after making the determination; and

''(iv) includes in the submission an explanation of the need for immediate effectiveness.

''(B) NOTICE AND COMMENT.—The Commission shall—

''(i) provide notice of the new or modified organization standard or amendment for comment; and

''(ii) follow the procedures set out in paragraphs (2) and (3) for review of the new or modified organization standard.

''(6) COMPLIANCE.—Each bulk power system user shall comply with an organization standard that takes effect under this section.

''(f) COORDINATION WITH CANADA AND MEXICO.—

''(1) RECOGNITION.—The electric reliability organization shall take all appropriate steps to gain recognition in Canada and Mexico.

''(2) INTERNATIONAL AGREEMENTS.—

''(A) IN GENERAL.—The President shall use best efforts to enter into international agreements with the appropriate governments of Canada and Mexico to provide for—

''(i) effective compliance with organization standards; and

''(ii) the effectiveness of the electric reliability organization in carrying out its mission and responsibilities.

''(B) COMPLIANCE.—All actions taken by the electric reliability organization, an affiliated regional reliability entity, and the Commission shall be consistent with any international agreement under subparagraph (A).

''(g) CHANGES IN PROCEDURE, GOVERNANCE, OR FUNDING.—

''(1) SUBMISSION TO THE COMMISSION.—The electric reliability organization shall submit to the Commission—

''(A) any proposed change in a procedure, governance, or funding provision; or

''(B) any change in an affiliated regional reliability entity's procedure, governance, or funding provision relating to delegated functions.

''(2) CONTENTS.—A submission under paragraph (1) shall include an explanation of the basis and purpose for the change.

''(3) EFFECTIVENESS.—

''(A) CHANGES IN PROCEDURE.—

''(i) CHANGES CONSTITUTING A STATEMENT OF POLICY, PRACTICE, OR INTERPRETATION.—A proposed change in procedure shall take effect 90 days after submission to the Commission if the change constitutes a statement of policy, practice, or interpretation with respect to the meaning or enforcement of the procedure.

''(ii) OTHER CHANGES.—A proposed change in procedure other than a change described in clause (i) shall take effect on a finding by the Commission, after notice and opportunity for comment, that the change—

''(I) is just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

''(II) satisfies the requirements of subsection (d)(4).

''(B) CHANGES IN GOVERNANCE OR FUNDING.—A proposed change in governance or funding shall not take effect unless the Commission finds that the change—

''(i) is just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

''(ii) satisfies the requirements of subsection (d)(4).

''(4) ORDER TO AMEND.—

''(A) IN GENERAL.—The Commission, on complaint or on the motion of the Commission, may require the electric reliability organization to amend a procedural, governance, or funding provision if the Commission determines that the amendment is necessary to meet the requirements of this section.

''(B) FILING.—The electric reliability organization shall submit the amendment in accordance with paragraph (1).

''(h) DELEGATIONS OF AUTHORITY.—

''(1) IN GENERAL.—

''(A) IMPLEMENTATION AND ENFORCEMENT OF COMPLIANCE.—At the request of an entity, the electric reliability organization shall enter into an agreement with the entity for the delegation of authority to implement and enforce compliance with organization standards in a specified geographic area if the electric reliability organization finds that—

''(i) the entity satisfies the requirements of subparagraphs (A), (B), (C), (D), (F), (J), and (K) of subsection (d)(4); and

''(ii) the delegation would promote the effective and efficient implementation and administration of bulk-power system reliability.

''(B) OTHER AUTHORITY.—The electric reliability organization may enter into an agreement to delegate to an entity any other authority, except that the electric reliability organization shall reserve the right to set and approve standards for bulk-power system reliability.

''(2) APPROVAL BY THE COMMISSION.—

''(A) SUBMISSION TO THE COMMISSION.—The electric reliability organization shall submit to the Commission—

''(i) any agreement entered into under this subsection; and

''(ii) any information the Commission requires with respect to the affiliated regional reliability entity to which authority is delegated.

''(B) STANDARDS FOR APPROVAL.—The Commission shall approve the agreement, following public notice and an opportunity for comment, if the Commission finds that the agreement—

''(i) meets the requirements of paragraph (1); and

''(ii) is just, reasonable, not unduly discriminatory or preferential, and in the public interest.

''(C) REBUTTABLE PRESUMPTION.—A proposed delegation agreement with an affiliated regional reliability entity organized on an interconnection-wide basis shall be rebuttably presumed by the Commission to promote the effective and efficient implementation and administration of the reliability of the bulk-power system.

''(D) INVALIDITY ABSENT APPROVAL.—No delegation by the electric reliability organization shall be valid unless the delegation is approved by the Commission.

''(3) PROCEDURES FOR ENTITY RULES AND VARIANCES.—

''(A) IN GENERAL.—A delegation agreement under this subsection shall specify the procedures by which the affiliated regional reliability entity may propose entity rules or variances for review by the electric reliability organization.

''(B) INTERCONNECTION-WIDE ENTITY RULES AND VARIANCES.— In the case of a proposal for an entity rule or variance that would apply on an interconnection-wide basis, the electric reliability organization shall approve the entity rule or variance unless the electric reliability organization makes a written finding that the entity rule or variance—

''(i) was not developed in a fair and open process that provided an opportunity for all interested parties to participate;

''(ii) would have a significant adverse impact on reliability or commerce in other interconnections;

''(iii) fails to provide a level of reliability of the bulk-power system within the interconnection such that the entity rule or variance would be likely to cause a serious and substantial threat to public health, safety, welfare, or national security; or

''(iv) would create a serious and substantial burden on competitive markets within the interconnection that is not necessary for reliability.

''(C) NONINTERCONNECTION-WIDE ENTITY RULES AND VARIANCES.—In the case of a proposal for an entity rule or variance that would apply only to part of an interconnection, the electric reliability organization shall approve the entity rule or variance if the affiliated regional reliability entity demonstrates that the proposal—

''(i) was developed in a fair and open process that provided an opportunity for all interested parties to participate;

''(ii) would not have an adverse impact on commerce that is not necessary for reliability;

''(iii) provides a level of bulk-power system reliability that is adequate to protect public health, safety, welfare, and national security and would not have a significant adverse impact on reliability; and

''(iv) in the case of a variance, is based on a justifiable difference between regions or subregions within the affiliated regional reliability entity's geographic area.

''(D) ACTION BY THE ELECTRIC RELIABILITY ORGANIZATION.—

''(i) IN GENERAL.—The electric reliability organization shall approve or disapprove a proposal under subparagraph (A) within 120 days after the proposal is submitted.

''(ii) FAILURE TO ACT.—If the electric reliability organization fails to act within the time specified in clause (i), the proposal shall be deemed to have been approved.

''(iii) SUBMISSION TO THE COMMISSION.—After approving a proposal under subparagraph (A), the electric reliability organization shall submit the proposal to the Commission for approval under the procedures prescribed under subsection (e).

''(E) DIRECT SUBMISSIONS.—An affiliated regional reliability entity may not submit a proposal for approval directly to the Commission except as provided in subsection (e)(4).

''(4) FAILURE TO REACH DELEGATION AGREEMENT.—

''(A) IN GENERAL.—If an affiliated regional reliability entity requests, consistent with paragraph (1), that the electric reliability organization delegate authority to it, but is unable within 180 days to reach agreement with the electric reliability organization with respect to the requested delegation, the entity may seek relief from the Commission.

''(B) REVIEW BY THE COMMISSION.—The Commission shall order the electric reliability organization to enter into a delegation agreement under terms specified by the Commission if, after notice and opportunity for comment, the Commission determines that—

''(i) a delegation to the affiliated regional reliability entity would—

''(I) meet the requirements of paragraph (1); and

''(II) would be just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

''(ii) the electric reliability organization unreasonably withheld the delegation.

''(5) ORDERS TO MODIFY DELEGATION AGREEMENTS.—

''(A) IN GENERAL.—On complaint, or on motion of the Commission, after notice to the appropriate affiliated regional reliability entity, the Commission may order the electric reliability organization to propose a modification to a delegation agreement under this subsection if the Commission determines that—

''(i) the affiliated regional reliability entity—

''(I) no longer has the capacity to carry out effectively or efficiently the implementation or enforcement responsibilities under the delegation agreement;

''(II) has failed to meet its obligations under the delegation agreement; or

''(III) has violated this section;

''(ii) the rules, practices, or procedures of the affiliated regional reliability entity no longer provide for fair and impartial discharge of the implementation or enforcement responsibilities under the delegation agreement;

''(iii) the geographic boundary of a transmission entity approved by the Commission is not wholly within the boundary of an affiliated regional reliability entity, and the difference in boundaries is inconsistent with the effective and efficient implementation and administration of bulk-power system reliability; or

''(iv) the agreement is inconsistent with a delegation ordered by the Commission under paragraph (4).

''(B) SUSPENSION.—

''(i) IN GENERAL.—Following an order to modify a delegation agreement under subparagraph (A), the Commission may suspend the delegation agreement if the electric reliability organization or the affiliated regional reliability entity does not propose an appropriate and timely modification.

''(ii) ASSUMPTION OF RESPONSIBILITIES.—If a delegation agreement is suspended, the electric reliability organization shall assume the responsibilities delegated under the delegation agreement.

''(i) ORGANIZATION MEMBERSHIP.—Each system operator shall be a member of—

''(1) the electric reliability organization; and

''(2) any affiliated regional reliability entity operating under an agreement effective under subsection (h) applicable to the region in which the system operator operates, or is responsible for the operation of, a transmission facility.

''(j) ENFORCEMENT.—

''(1) DISCIPLINARY ACTIONS.—

''(A) IN GENERAL.—Consistent with procedures approved by the Commission under subsection (d)(4)(H), the electric reliability organization may impose a penalty, limitation on activities, functions, or operations, or other disciplinary action that the electric reliability organization finds appropriate against a bulk-power system user if the electric reliability organization, after notice and an opportunity for interested parties to be heard, issues a finding in writing that the bulk-power system user has violated an organization standard.

''(B) NOTIFICATION.—The electric reliability organization shall immediately notify the Commission of any disciplinary action imposed with respect to an act or failure to act of a bulk-power system user that affected or threatened to affect bulk-power system facilities located in the United States.

''(C) RIGHT TO PETITION.—A bulk-power system user that is the subject of disciplinary action under paragraph (1) shall have the right to petition the Commission for a modification or rescission of the disciplinary action.

''(D) INJUNCTIONS.—If the electric reliability organization finds it necessary to prevent a serious threat to reliability, the electric reliability organization may seek injunctive relief in the United States district court for the district in which the affected facilities are located.

''(E) EFFECTIVE DATE.—

''(i) IN GENERAL.—Unless the Commission, on motion of the Commission or on application by the bulk-power system user that is the subject of the disciplinary action, suspends the effectiveness of a disciplinary action, the disciplinary action shall take effect on the 30th day after the date on which—

''(I) the electric reliability organization submits to the Commission—

''(aa) a written finding that the bulk-power system user violated an organization standard; and

''(bb) the record of proceedings before the electric reliability organization; and

''(II) the Commission posts the written finding on the Internet.

''(ii) DURATION.—A disciplinary action shall remain in effect or remain suspended unless the Commission, after notice and opportunity for hearing, affirms, sets aside, modifies, or reinstates the disciplinary action.

''(iii) EXPEDITED CONSIDERATION.—The Commission shall conduct the hearing under procedures established to ensure expedited consideration of the action taken.

''(2) COMPLIANCE ORDERS.— The Commission, on complaint by any person or on motion of the Commission, may order compliance with an organization standard and may impose a penalty, limitation on activities, functions, or operations, or take such other disciplinary action as the Commission finds appropriate, against a bulk-power system user with respect to actions affecting or threatening to affect bulk-power system facilities located in the United States if the Commission finds, after notice and opportunity for a hearing, that the bulk-power system user has violated or threatens to violate an organization standard.

''(3) OTHER ACTIONS.—The Commission may take such action as is necessary against the electric reliability organization or an affiliated regional reliability entity to ensure compliance with an organization standard, or any Commission order affecting electric reliability organization or affiliated regional reliability entity.

''(k) RELIABILITY REPORTS.—The electric reliability organization shall—

''(1) conduct periodic assessments of the reliability and adequacy of the interconnected bulk-power system in North America; and

''(2) report annually to the Secretary of Energy and the Commission its findings and recommendations for monitoring or improving system reliability and adequacy.

''(l) ASSESSMENT AND RECOVERY OF CERTAIN COSTS.—

''(1) IN GENERAL.—The reasonable costs of the electric reliability organization, and the reasonable costs of each affiliated regional reliability entity that are related to implementation or enforcement of organization standards or other requirements contained in a delegation agreement approved under subsection (h), shall be assessed by the electric reliability organization and each affiliated regional reliability entity, respectively, taking into account the relationship of costs to each region and based on an allocation that reflects an equitable sharing of the costs among all electric energy consumers.

''(2) RULES.—The Commission shall provide by rule for the review of costs and allocations under paragraph (1) in accordance with the standards in this subsection and subsection (d)(4)(F).

''(m) APPLICATION OF ANTITRUST LAWS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the following activities are rebuttably presumed to be in compliance with the antitrust laws of the United States:

''(A) Activities undertaken by the electric reliability organization under this section or affiliated regional reliability entity operating under a delegation agreement under subsection (h).

''(B) Activities of a member of the electric reliability organization or affiliated regional reliability entity in pursuit of the objectives of the electric reliability organization or affiliated regional reliability entity under this section undertaken in good faith under the rules of the organization of the electric reliability organization or affiliated regional reliability entity.

''(2) AVAILABILITY OF DEFENSES.—In a civil action brought by any person or entity against the electric reliability organization or an affiliated regional reliability entity alleging a violation of an antitrust law based on an activity under this Act, the defenses of primary jurisdiction and immunity from suit and other affirmative defenses shall be available to the extent applicable.

''(n) REGIONAL ADVISORY ROLE.—

''(1) ESTABLISHMENT OF REGIONAL ADVISORY BODY.—The Commission shall establish a regional advisory body on the petition of the Governors of at least two-thirds of the States within a region that have more than one-half of their electrical loads served within the region.

''(2) MEMBERSHIP.—A regional advisory body—

''(A) shall be composed of 1 member from each State in the region, appointed by the Governor of the State; and

''(B) may include representatives of agencies, States, and Provinces outside the United States, on execution of an appropriate international agreement described in subsection (f).

''(3) FUNCTIONS.—A regional advisory body may provide advice to the electric reliability organization, an affiliated regional reliability entity, or the Commission regarding—

''(A) the governance of an affiliated regional reliability entity existing or proposed within a region;

''(B) whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

''(C) whether fees proposed to be assessed within the region are—

''(i) just, reasonable, not unduly discriminatory or preferential, and in the public interest; and

''(ii) consistent with the requirements of subsection (l).

''(4) DEFERENCE.—In a case in which a regional advisory body encompasses an entire interconnection, the Commission may give deference to advice provided by the regional advisory body under paragraph (3).

''(o) APPLICABILITY OF SECTION.—This section does not apply outside the 48 contiguous States.

''(p) REHEARINGS; COURT REVIEW OF ORDERS.—Section 313 applies to an order of the Commission issued under this section.''.

(b) ENFORCEMENT.—

(1) GENERAL PENALTIES.—Section 316(c) of the Federal Power Act (16 U.S.C. 825o(c)) is amended—

(A) by striking ''subsection'' and inserting ''section''; and

(B) by striking ''or 214'' and inserting ''214 or 215''.

(2) CERTAIN PROVISIONS.—Section 316A of the Federal Power Act (16 U.S.C. 825o–1) is amended by striking ''or 214'' each place it appears and inserting ''214, or 215''.

(c) SAVINGS CLAUSE.—[RESERVED]●

By Mr. KERRY (for himself, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. JEFFORDS):

S. 2072. A bill to require the Secretary of Energy to report to Congress on the readiness of the heating oil and propane industries; to the Committee on Energy and Natural Resources.

THE HOME HEATING READINESS ACT

Mr. KERRY. Mr. President today I am introducing the Home Heating Readiness Act, which I offer with Senators LAUTENBERG, LIEBERMAN, and JEFFORDS. The goal of this legislation is to prevent sharp and sustained increases in the price of home heating fuel, like the kind of price spike we are experiencing right now in Massachusetts and other northeastern states.

Mr. President, at the end of December, the price of a gallon of home heating oil in Massachusetts average $1.78 across the state, and in some local areas consumers are complaining of prices as high as $2.00 per gallon. Only several weeks ago, when the weather was warmer, the price was far lower, about $.98, but as soon as the weather turned cold—as soon as families needed more oil to heat their homes—the price spiked. I want to be clear, on average, it appears that this winter will be warmer than most. Our problem is not the weather alone, something else in the supply chain of heating oil has failed. The Home Heating Readiness Act is an effort to learn, before it's too late, the steps we can take to correct deficiencies and prevent price spikes.

Already the Energy Information Administration examines the price of heating fuel each fall in a report called the Winter Fuels Outlook, and the Administration has done, overall, an excellent job of examining supply, demand and potential weather scenarios and estimating the price of heating oil and propane. This legislation would ask the Administration to go farther and examine the functional capability of the industries, to search out potential problems and help us prevent or mitigate them. It asks EIA to examine the global and regional crude oil and refined product supplies; the adequacy and utilization of refinery capability; the adequacy, utilization, and distribution of regional refined product storage capacity; weather conditions; refined product transportation system; market inefficiencies; and any other factor affecting the functional capability of the industry to provide affordable home heating oil and propane. In addition to identifying problems, EIA will make recommendations on how those problems can be corrected, and how price spikes can be avoided or at least mitigated.

Mr. President, with this legislation we are asking the EIA to do more and we should appropriate more funding to get the job done. For now, this legislation does not authorize a specific amount. It is my hope that the Clinton administration will work with us to determine an appropriate authorization level that we can add into this bill at an appropriate time. To help alleviate our current fuel crises the Clinton administration has released roughly $175 million to help low income families. I want to applaud that decision—those resources are urgently needed. However, I want to also point out that if we prevent these price spikes with better evaluation of the industry, we may have to spend less of those emergency funds in future winters. Finally, I want to work with Energy and Natural Resources Committee to get its input on how this proposal can be improved to meet our goals.

The old adage that an ounce of prevention is worth a pound of cure certainly holds true in this case, and I hope that we act to create the Home Heating Readiness Report.

I ask unanimous consent that a copy 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. 2072

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 ''Home Heating Readiness Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in the United States, more than 10,000,000 households burn heating oil and more than 5,000,000 burn propane to generate space heat;

(2) sharp and sustained increases in the price of heating oil and propane disproportionately harm poor and elderly people with low and fixed incomes, who may be forced to choose between heat and food, medicine, and other basic necessities;

(3) sharp and sustained increases in the price of heating oil and propane can negatively affect the national economy and regional economies, and such increases have occurred in the winters of 1983–84, 1988–89, 1996–97, and 1999–2000;

(4) sharp and sustained increases in the price of heating oil and propane can be caused by—

(A) deficiencies in global or regional crude oil or refined product supplies;

(B) inadequacy or underutilization of refinery capacity;

(C) inadequacy, underutilization, or disadvantageous distribution of regional refined product storage capacity;

(D) adverse weather conditions;

(E) impediments to efficient and timely transportation of refined product;

(F) market inefficiencies; and

(G) other factors affecting the functional capability of the energy industry;

(5) the Energy Information Administration is charged with analyzing the United States energy industry and markets and providing projections on the retail price of energy products, including heating oil and propane;

(6) future sharp and sustained increases in the national and regional price of heating oil and propane can be avoided or at least mitigated if—

(A) the Energy Information Administration identifies potential failures in the functional capability of the energy industry to provide affordable heating oil and propane to consumers in all regions of the United States; and

(B) those potential failures are remedied; and

(7) avoiding sharp and sustained increases in the national and regional price of heating oil and propane can reduce Federal, State, and local expenditures to assist low-income

and other households in need of financial assistance when prices increase.

SEC. 3. ANNUAL HOME HEATING READINESS REPORTS.

(a) IN GENERAL.—Part A of title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

"SEC. 108. ANNUAL HOME HEATING READINESS REPORTS.

''(a) IN GENERAL.—On or before September 1 of each year, Secretary, acting through the Administrator of the Energy Information Agency, shall submit to Congress a Home Heating Readiness Report on the readiness of the heating oil and propane industries to supply fuel under various weather conditions, including rapid decreases in temperature.

''(b) CONTENTS.—The Home Heating Readiness Report shall include—

''(1) estimates of the consumption, expenditures, and average price per gallon of heating oil and propane for the upcoming period of October through March for various weather conditions, with special attention to extreme weather, and various regions of the country;

''(2) an evaluation of—

''(A) global and regional crude oil and refined product supplies;

''(B) the adequacy and utilization of refinery capacity;

''(C) the adequacy, utilization, and distribution of regional refined product storage capacity;

''(D) weather conditions;

''(E) the refined product transportation system;

''(F) market inefficiencies; and

''(G) any other factor affecting the functional capability of the heating oil industry and propane industry that has the potential to affect national or regional supplies and prices;

''(3) recommendations on steps that the Federal, State, and local governments can take to prevent or alleviate the impact of sharp and sustained increases in the price of heating oil and propane; and

''(4) recommendations on steps that companies engaged in the production, refining, storage, transportation of heating oil or propane, or any other activity related to the heating oil industry or propane industry, can take to prevent or alleviate the impact of sharp and sustained increases in the price of heating oil and propane.

''(c) INFORMATION REQUESTS.—The Secretary may request information necessary to prepare the Home Heating Readiness Report from companies described in subsection (b)(4).''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The Energy Policy and Conservation Act is amended—

(1) in the table of contents in the first section (42 U.S.C. prec. 6201), by inserting after the item relating to section 106 the following:

''Sec. 107. Major fuel burning stationary source.

''Sec. 108. Annual home heating readiness reports.''; and

(2) in section 107 (42 U.S.C. 6215), by striking ''SEC. 107. (a) No Governor'' and inserting the following:

"SEC. 107. MAJOR FUEL BURNING STATIONARY SOURCE.

''(a) No Governor''.

Mr. LIEBERMAN. Mr. President, I rise to speak about an extremely serious problem plaguing the citizens of my state of Connecticut and those throughout the Northeast—the skyrocketing cost of home heating oil and the fear of higher gas prices that will follow.

This complaint may sound familiar to some of my colleagues, particularly those similarly-situated in cold-weather states. Senator DODD and I and several others have repeatedly voiced concerns about the volatility of the heating oil-gasoline marketplace over the last several years, about the sudden swings in prices we have experienced as a result of that volatility, and the threat it poses to the livelihood of our constituents and the stability of our regional economy. The situation now, though, is more dire than anything we have seen in recent years. While I do not want to be an alarmist, I think it is critical for my colleagues to understand the severity of the squeeze many families and businesses are feeling and the potential for economic havoc.

We are bordering on a real crisis. The average price of a gallon of heating oil in the Northeast has jumped more than 100 percent since mid-January. Many families are really struggling to pay their bills and keep their families warm. Dealers and distributors are reporting significant shortages throughout the region, which promises to send prices spiraling even higher in the near term. And if this vicious cycle of high demand and low supply continues to turn, and if the weather stays the way it has, many households may literally be left out in the cold, and their well-being put at risk.

It is not just consumers, though, who are being hit hard by this price spike. It is also hurting a number of small businesses that are not prepared to absorb this kind of sudden surge in costs. It sure is hurting many small companies in the heating oil industry, the independent distributors and retailers, who form the backbone of this market. I have already heard of one oil dealer in Connecticut who owns a family business and who needed to take out a second mortgage on his home to make it through this hardship. It may not be long before others join him. There is also the very real risk of some small dealers being forced out of business.

As a result of all this, a conspicuous current of fear and uncertainty is rippling throughout the Northeast. People are anxious for some answers just as they are desperate for some relief. Like many of my colleagues, my offices have been inundated with calls from around the state from outraged homeowners demanding to know why their heating bills are going through the roof and what we are doing to bring them down.

We know that supplies are low and demand is high, and that is the basic source of the problem. But it goes much deeper than that. The decision made by OPEC to limit the production and supply of crude oil on the international market has been a major factor. Our domestic supply has shrunk considerably. Another factor has been the temperature; the cold weather and strong winds have not only kept demand high, they have frozen rivers and made it difficult at times for oil barges to dock and unload their product. And some questions have to be raised about the choices made by the major oil companies, while the supply of crude oil may have been sufficient to meet demand, the refiners may have made matters worse by focusing on turning out more gasoline than heating oil in anticipation of a warmer winter. These questions deserve more attention, and I intend to press for more information about how these decisions are being made about utilization of capacity, which are critical to determining oil supplies and by extension oil prices.

But the complexity of this problem does not mean we are powerless to help. Along with Senator DODD and the rest of our state delegation, we have been doing all we can to provide some immediate relief from these spiraling prices and troubling shortages. One of our principal concerns is for the low-income families who are being asked to choose between putting food on the table and heating their homes. The price spike is hitting these families the hardest, and we are doing our best to help them make it through. A bipartisan coalition sent a letter to the President two weeks ago urging him to quickly release emergency funds from the Low-Income Home Energy Assistance Program, which is a critical first line of defense for our neighbors who are least able to cope with sudden price surges. The President thankfully responded by releasing $45 million for the disadvantaged families of New England, including $3.1 million for those in Connecticut. This was a significant gesture, but there are many families who won't benefit from it. That is why just two days ago our coalition sent the President another letter requesting that an additional $200 million in LIHEAP funding be released immediately. I hope the President again hears our concerns and heeds our call.

I am also concerned about the independent oil suppliers in the Northeast. Most home heating oil distributors are small businesses with few employees; these businesses are not always in the position to weather severe price fluctuations or shortages as we are seeing now. Part of the problem is that small oil dealers often must pay the high price of crude oil from large wholesalers before they are able to collect on oil sales to residential homes. This leaves them with few reserves to make due. To help relieve the burden on these businesses, I have asked the Small Business Administration to make available a package of short turnaround loans and technical assistance. The SBA has been highly sensitive to this problem, and they are moving quickly to spread the word around the region about these options.

Along with several of my colleagues on both sides of the aisle, I have supported and continue to support a drawdown of the Strategic Petroleum Reserve as a way to quickly boost stocks in the Northeast and thereby quickly reduce prices. Senator DODD and I and several of our colleagues from neighboring states have lobbied hard for the Administration to take that step. We have cosponsored legislation that explicitly authorizes the Secretary of Energy to tap the SPR in these circumstances. We wrote the President two weeks ago urging him to approve a drawdown as soon as possible. And shortly thereafter we met with Energy Secretary Bill Richardson to plead this case directly. The Secretary unfortunately has been reluctant to pursue this option, but we have not given up hope of changing his mind, and will continue to push our argument.

While we believe the SPR drawdown is critical to getting us through this short-term emergency, it is not a long-term solution. It will not and cannot defuse the volatility of the heating oil marketplace. But there are a number of steps we can take to prevent these disruptive price spikes from cycling in and out. First, it is important that we convince leaders of the oil-producing nations that colluding to hold down supply is not in their long-term interest. As we have seen, prices of oil have indeed gone up, but there is growing resentment of the policies of OPEC as our citizens feel a strengthening pinch. It is important that these countries understand that if they continue with this strategy, they may jeopardize good relations with the United States. Secretary Richardson will soon be meeting with OPEC's leaders, and we are pressing him to forcefully communicate this message to our allies and trading partners.

Second, we should take a hard look at the use of interruptible gas contracts by natural gas suppliers and the evidence that these contracts may be exacerbating the volatility of the heating oil market. These ''interruptible'' contracts can be obtained at a discount rate in exchange for giving the contractor the ability to suspend service when gas supply is low or demand is high. When these contracts are interrupted, many customers typically turn to heating oil as their preferred alternative, creating a sudden, secondary demand jolt to the oil market. I have heard from a number of leaders in the heating oil industry who fear that this is exactly what is happening now. We need to better understand the level of additional heating oil demand caused by these types of contracts and be able to anticipate demand fluctuations as accurately as possible so that we may avoid future situations where demand exceeds supply. For that reason, I recently asked Secretary Richardson to investigate the extent and impact of interruptible contracts, and to report back to us on his findings to determine what if anything we should do about this practice.

Our current situation points to the fundamental problem that we are far too dependent upon foreign oil for our energy needs. We need to employ long-term strategies to decrease our reliance upon foreign nations and bolster our own energy capacity. Many of us have cosponsored legislation in the past to increase research and development funding for renewable energy sources. We need to invest time, money, and an increased level of effort in the development of energy efficient power sources such as wind, solar, and natural gas. I will continue to work toward this goal and I strongly urge my colleagues to do so as well.

Mr. President, as I said, I rise to speak about a very serious problem plaguing the citizens of Connecticut and the Northeast; that is, the skyrocketing cost of home heating oil and the fear of higher gas prices that will come with the warmer weather. There is a very complicated situation as to why it exists.

It begins with the decision by the OPEC cartel to reduce the supply of oil. It goes to the decision of some oil companies not to refine adequate supplies of home heating oil. Whatever the complexity, it does not mean that we are powerless to help.

Senator DODD and I, and the rest of our delegation, on earlier occasions, with colleagues from throughout the Northeast from both parties, have appealed to the President to release Low Income Home Energy Assistance Program funding. He did that—$45 million worth.

We have another request in now for an additional $200 million. It is that bad in our State.

The real answer to this is to open up the Strategic Petroleum Reserve and effect the laws of supply and demand, 560 million barrels of oil that we, the taxpayers, U.S. Government own. This is the time to use it.

Up until now, Secretary Richardson and the administration have refused to do so. I appeal to them today on behalf of the people of Connecticut who are suffering under the shock of doubling and in some cases tripling of what they pay for home heating oil. Please open up the reserve. There is now a new idea of swaps, not selling the oil but allowing the oil companies to take it out of reserve, bring it into the market, increase supply, lower price, and then put oil back into the reserve, even a higher amount.

The short of it is, we are in crisis in the Northeast. It is a crisis that, if it is not stopped and is allowed to go on, with higher gasoline prices that will affect the rest of the country in spring time, it will begin to create the kind of inflation that will cut the economic growth we have enjoyed.

ADDITIONAL COSPONSORS

S. 92

At the request of Mr. DOMENICI, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 162

At the request of Mr. BREAUX, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 162, a bill to amend the Internal Revenue Code of 1986 to change the determination of the 50,000-barrel refinery limitation on oil depletion deduction from a daily basis to an annual average daily basis.

S. 386

At the request of Mr. GORTON, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 397

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 397, a bill to authorize the Secretary of Energy to establish a multiagency program in support of the Materials Corridor Partnership Initiative to promote energy efficient, environmentally sound economic development along the border with Mexico through the research, development, and use of new materials.

S. 486

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 486, a bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

S. 899

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 899, a bill to reduce crime and protect the public in the 21st Century by strengthening Federal assistance to State and local law enforcement, combating illegal drugs and preventing drug use, attacking the criminal use of guns, promoting accountability and rehabilitation of juvenile criminals, protecting the rights of victims in the criminal justice system, and improving criminal justice rules and procedures, and for other purposes.

S. 1109

At the request of Mr. MCCONNELL, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1220

At the request of Mr. THOMAS, his name was added as a cosponsor of S.

1220, a bill to provide additional funding to combat methamphetamine production and abuse, and for other purposes.

S. 1272

At the request of Mr. NICKLES, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1428

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 1428, a bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act relating to the manufacture, traffick, import, and export of amphetamine and methamphetamine, and for other purposes.

S. 1638

At the request of Mr. ASHCROFT, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1653

At the request of Mr. SMITH of New Hamphire, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1653, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1776

At the request of Mr. CRAIG, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1776, a bill to amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness, and for other purposes.

S. 1777

At the request of Mr. CRAIG, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1777, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the voluntary reduction of greenhouse gas emissions and to advance global climate science and technology development.

S. 1816

At the request of Mr. HAGEL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1816, a bill to amend the Federal Election Campaign Act of 1971 to provide meaningful campaign finance reform through requiring better reporting, decreasing the role of soft money, and increasing individual contribution limits, and for other purposes.

S. 1898

At the request of Mr. DORGAN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 1898, a bill to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 1921

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

S. 1941

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1952

At the request of Mr. ABRAHAM, the names of the Senator from Colorado (Mr. ALLARD), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1952, a bill to amend the Internal Revenue Code of 1986 to provide a simplified method for determining a partner's share of items of a partnership which is a qualified investment club.

S. 1957

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT–43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

S. 1962

At the request of Mr. ASHCROFT, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1962, a bill to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms.

S. 1983

At the request of Mrs. MURRAY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1983, a bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain agricultural trade programs.

S. 1988

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1988, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2013

At the request of Mr. JEFFORDS, his name was added as a cosponsor of S. 2013, a bill to restore health care equity for medicare-eligible uniformed services retirees, and for other purposes.

S. 2021

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2021, a bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991.

At the request of Mr. REED, his name was added as a cosponsor of S. 2021, supra.

S. 2026

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2026, a bill to amend the Foreign Assistance Act of 1961 to authorize appropriations for HIV/AIDS efforts.

S. 2029

At the request of Mr. FRIST, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2029, a bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2035, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act'' to aviation incidents.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S.J. RES. 39

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S.J. Res. 39, a joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

S. RES. 60

At the request of Mr. MACK, the name of the Senator from Missouri (Mr.

ASHCROFT) was added as a cosponsor of S. Res. 60, a resolution recognizing the plight of the Tibetan people on the fortieth anniversary of Tibet's attempt to restore its independence and calling for serious negotiations between China and the Dalai Lama to achieve a peaceful solution to the situation in Tibet.

S. RES. 128

At the request of Mr. COCHRAN, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. Res. 128, a resolution designating March 2000, as ''Arts Education Month.''

S. RES. 237

At the request of Mrs. BOXER, the names of the Senator from Minnesota (Mr. WELLSTONE), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. Res. 237, a resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

S. RES. 248

At the request of Mr. ROBB, the names of the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. CONRAD), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 248, a resolution to designate the week of May 7, 2000, as ''National Correctional Officers and Employees Week.''

S. RES. 251

At the request of Mr. SPECTER, the names of the Senator from Utah (Mr. BENNETT), and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. Res. 251, a resolution designating March 25, 2000, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.''

AMENDMENT NO. 2771

At the request of Mr. THOMAS, his name was added as a cosponsor of amendment No. 2771 proposed to S. 625, a bill to amend title 11, United States Code, and for other purposes.

SENATE CONCURRENT RESOLUTION 80—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 80.

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, February 10, 2000, or Friday, February 11, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, February 22, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Wednesday, February 16, 2000, Thursday, February 17, 2000, or Friday, February 18, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Tuesday, February 29, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 81—EXPRESSING THE SENSE OF THE CONGRESS THAT THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA SHOULD IMMEDIATELY RELEASE RABIYA KADEER, HER SECRETARY, AND HER SON, AND PERMIT THEM TO MOVE TO THE UNITED STATES IF THEY SO DESIRE

Mr. ROTH (for himself, Mrs. MURRAY, Mr. BINGAMAN, Mr. EDWARDS, Mr. CRAPO, Mr. DODD, Mr. THOMAS, and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 81

Whereas Rabiya Kadeer, a prominent ethnic Uighur from the Xinjiang Uighur Autonomous Region (XUAR) of the People's Republic of China, her secretary, and her son were arrested on August 11, 1999, in the city of Urumqi;

Whereas Rabiya Kadeer's arrest occurred outside the Yindu Hotel in Urumqi as she was attempting to meet a group of congressional staff staying at the Yindu Hotel as part an official visit to China organized under the auspices of the Mutual Educational and Cultural Exchange Program of the United States Information Agency;

Whereas Rabiya Kadeer's husband Sidik Rouzi, who has lived in the United States since 1996 and works for Radio Free Asia, has been critical of the policies of the People's Republic of China toward Uighurs in Xinjiang;

Whereas according to an Amnesty International press release of August 16, 1999, ''It appears as though the accusations against Kadeer and her son Ablikim Abdyirim may relate to her attempts to meet a visiting delegation from the United States [Congress] and her communications with her husband Sidik Rouzi, . . .'';

Whereas reports indicate that Ablikim Abdyirim was sent to a labor camp on November 26 for 2 years without trial for ''supporting Uighur separatism,'' and Rabiya Kadeer's secretary was recently sentenced to 3 years in a labor camp;

Whereas Rabiya Kadeer has 5 children, 3 sisters, and a brother living in the United States, in addition to her husband, and Kadeer has expressed a desire to move to the United States;

Whereas the People's Republic of China stripped Rabiya Kadeer of her passport long before her arrest;

Whereas reports indicate that Kadeer's health may be at risk and that she may be sentenced to 10 or more years in prison;

Whereas repeated requests to the Government of the People's Republic of China by Members of Congress and congressional staff for an explanation of the nature of the charges against Rabiya Kadeer, her secretary, and her son, for an update on the state of Kadeer's health, and for details of any legal proceedings against those arrested, have gone unanswered since August 1999;

Whereas the People's Republic of China signed the International Covenant on Civil and Political Rights on October 5, 1998;

Whereas that Covenant requires signatory countries to guarantee their citizens the right to legal recourse when their rights have been violated, the right to liberty and freedom of movement, the right to presumption of innocence until guilt is proven, the right to appeal a conviction, freedom of thought, conscience, and religion, freedom of opinion and expression, and freedom of assembly and association;

Whereas that Covenant forbids torture, inhuman or degrading treatment, and arbitrary arrest and detention;

Whereas the first Optional Protocol to the International Covenant on Civil and Political Rights enables the Human Rights Committee, set up under that Covenant, to receive and consider communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant; and

Whereas in signing that Covenant on behalf of the People's Republic of China, Ambassador Qin Huasun, Permanent Representative of the People's Republic of China to the United Nations, said the following: ''To realize human rights is the aspiration of all humanity. It is also a goal that the Chinese Government has long been striving for. We believe that the universality of human rights should be respected . . . As a member state of the United Nations, China has always actively participated in the activities of the organization in the field of human rights. It attaches importance to its cooperation with agencies concerned in the U.N. system . . .'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress calls on the Government of the People's Republic of China—

(1) immediately to release Rabiya Kadeer, her secretary, and her son; and

(2) to permit Kadeer, her secretary, and her son to move to the United States, if they so desire.

Mr. ROTH. Mr. President, I rise today on behalf of myself and Senators MURRAY, BINGAMAN, EDWARDS, CRAPO, DODD, THOMAS, and FEINSTEIN to submit a concurrent resolution stating the sense of Congress that China immediately release Rabiya Kadeer, her secretary and her son. On August 11, 1999 Ms. Kadeer was arrested on her way to a meeting with a group of Congressional staff visiting China under the auspices of a U.S. Information Agency program. Later, two of the sons and her secretary were detained as well.

One son has since been sentenced to 2 years at hard labor and her secretary, 3 years. And we have received credible reports that in the aftermath of the

Chinese New Year's celebrations, she herself faces imminent trial and sentencing.

The crimes she is accused of committing remain unclear, despite letters from a number of us on Capitol Hill, and despite a series of requests to Chinese officials stretching back to August. Our attempts at quiet diplomacy, perhaps unsurprisingly, have failed. And so, with her trial and sentencing about to take place, it is vital that we try a different tack. That is why I am offering this resolution.

Ms. Kadeer is a prominent member of an ethnic minority group in China called Uighurs. These people are Turkic-speaking Moslems, and they form the largest ethnic group in China's northwestern-most province.

A few years back, Ms. Kadeer was lauded by the PRC for her promotion of business enterprises among women and for contributing to the economic and social development of her province. To honor her efforts, she was named by authorities to the China People's Political Consultative Congress and as a delegate to the United Nations World Conference on Women held in Beijing.

But Ms. Kadeer began to fall out of favor with officials in Beijing after her husband emigrated to the United States in 1997 and became a commentator for Voice of America. Soon thereafter, her passport was seized and the assets of an organization she founded to improve opportunities for Moslem businesswomen were frozen. Then, in 1998, Ms. Kadeer lost her position in the Consultative Congress.

Perhaps that is why five of Ms. Kadeer's children, three sisters and a brother are now living in the United States, in addition to her husband. And perhaps that is why Ms. Kadeer has expressed a desire to move to the United States herself.

That desire, for the moment, has been quashed. Last summer, as she was on her way to the hotel where the Congressional staff delegation was waiting to meet her, Kadeer was arrested. The arrest is troubling enough, but the fact that it took place as she was attempting to have a simple conversation with staffers who work for the United States Congress, I believe, requires that we take a firm stand.

Let's not forget that the PRC signed the International Covenant on Civil and Political Rights in 1998. Among other things, that Covenant requires signatories to guarantee their citizens the right to liberty and freedom of movement; the right to presumption of innocence until guilt is proven; freedom of thought, conscience, and religion; freedom of opinion and expression; and freedom of assembly and association. It also forbids torture, inhumane or degrading treatment, and arbitrary arrest and detention.

In signing that Covenant on behalf of the PRC, China's Permanent Representative to the United Nations said, and I quote, ''To realize human rights is the aspiration of all humanity. It is also a goal that the Chinese Government has long been striving for. We believe that the universality of human rights should be respected * * *.''

Well, I don't think China has respected the human rights of Rabiya Kadeer, her son or her secretary. That's why this resolution calls on China to release them and give them the chance to move to the United States, if they wish. Mr. President, I urge my colleagues to support this resolution and move for its earliest possible passage as Ms. Kadeer's fate will soon be determined by a country that offers her little or no chance of a fair trial.

SENATE RESOLUTION 256—DESIGNATING THE WEEK OF FEBRUARY 14–18, 2000, AS ''NATIONAL HEART FAILURE AWARENESS WEEK''

Mr. SPECTER (for himself, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mrs. BOXER, Mr. BREAUX, Mr. L. CHAFEE, Mr. CLELAND, Ms. COLLINS, Mr. CONRAD, Mr. CRAIG, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. INOUYE, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LUGAR, Mr. MACK, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SCHUMER, Mr. SHELBY, Mr. SMITH of Oregon, Mr. THURMOND, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, Ms. SNOWE, Mr. JEFFORDS, Mr. JOHNSON, Mr. SESSIONS, Mr. STEVENS, and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 256

Whereas the primary goals of ''National Heart Failure Awareness Week'' are—

(1) to promote research related to all aspects of heart failure and provide a forum for presentation of that research;

(2) to educate heart failure caregivers and patients through programs, publications, and other media allowing for more effective treatment and diagnosis of heart failure; and

(3) to enhance the quality and duration of life for those with heart failure;

Whereas heart failure, a disease of the heart muscle, is of epidemic proportions in the United States;

Whereas as of January 1, 2000, approximately 4,600,000 Americans had been diagnosed with congestive heart failure, and an estimated 450,000 more cases will be diagnosed in the year 2000;

Whereas coronary artery disease is a cause in approximately 50 percent of the cases of patients with heart failure, and in such cases, patients often have heart attacks or require bypass surgery;

Whereas the incidence of heart failure increases with age and is the most frequent cause of hospitalization for individuals over the age of 65;

Whereas the prognosis for those diagnosed with heart failure is not promising, as less than 50 percent of patients live more than 5 years after their initial diagnosis; and

Whereas it is vital that the American public become aware of the enormous impact of heart failure, and be better educated regarding the signs and symptoms of the disease: Now, therefore, be it

Resolved, That the Senate—

(1) in recognition of all the individuals who have devoted time and energy toward increasing public awareness and education on heart failure, designates the week of February 14–18, 2000, as ''National Heart Failure Awareness Week''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

SENATE RESOLUTION 257—EXPRESSING THE SENSE OF THE SENATE REGARDING THE RESPONSIBILITY OF THE UNITED STATES TO ENSURE THAT THE PANAMA CANAL WILL REMAIN OPEN AND SECURE TO VESSELS OF ALL NATIONS

Mr. CRAIG (for himself, Mr. INHOFE, Mrs. HUTCHISON, and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 257

Whereas the 1977 Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal provides that Panama and the United States have the joint responsibility to ensure that the Panama Canal will remain open and secure, and provides that each signatory, in accordance with its constitutional processes, shall defend the Canal against any threat to its neutrality and shall have the right to act against threats against the peaceful transit of vessels through the Canal;

Whereas the United States Armed Forces have depended upon the Panama Canal for rapid transit in times of global conflict, including during World War II, the Korean War, the Vietnam War, the Cuban Missile Crisis, and the Persian Gulf War;

Whereas the common interests of Panama and the United States have produced close relations between the two nations and a shared interest in protecting the Canal and its operations;

Whereas the passage of Panama Law Number 5 and the port facilities lease agreements have created concern about the future security of the Canal and its continued unfettered operations;

Whereas Panama does not have an army, navy, or air force, and the national police capabilities are inadequate to defend the Canal against terrorism from internal or external sources;

Whereas occupation, damage, or destruction of this crucial naval choke point would be catastrophic to the United States, its allies, and the world;

Whereas the Canal has influenced world trade patterns, spurred growth in developed countries, and has been a primary impetus for economic expansion in developing countries;

Whereas the Panama Canal remains a vital economic and strategic asset to the United States, its allies, and the world; and

Whereas 53 percent of Canal traffic originates or ends at United States port facilities: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) any attack on or against the Panama Canal by any country will be considered an act of war against the United States;

(2) the President should, prior to June 1, 2001, negotiate security arrangements with

2001, negotiate security arrangements with the Government of Panama that will protect the Canal and ensure that the Canal remains open, secure, and neutral, consistent with the Panama Canal Treaty, the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, and the resolutions of ratification thereto; and

(3) the President should consult with the leadership of both Houses of Congress and with the chairmen and ranking members of the appropriate congressional committees regarding the implementation of this resolution.

● Mr. CRAIG. Mr. President, today I rise to propose a resolution expressing the sense of the Congress regarding the responsibility of the United States in guaranteeing the security and passage of vessels through the Panama Canal.

The Panama Canal Treaty and the Treaty concerning the Permanent Neutrality and Operation of the Panama Canal were a battle fought and lost before my time in the Congress of the United States. However, we still have an obligation to the world, our allies, and the people of the United States to ensure that the Panama Canal will remain open, secure, and neutral in providing safe passage to vessels of all nations.

These treaties with Panama gave the United States the option of continuing our presence in Panama beyond 2000. This option must be exercised! The United States needs to retain a presence in Panama to ensure a measure of power projection capability in an area of vital national interest to our economy, our freedoms, and our way of life.

Mr. President, this extension of our presence in Panama is also consistent with the intent of Congress. The 1979 Panama Canal Act, which incorporated the treaty into United States law, included a sense of the Congress resolution that the ''best interests of the United States require that the President enter into negotiations with the Republic of Panama for the purpose of arranging for the stationing of United States military forces after the termination of the Panama Canal Treaty of 1977.''

Panama agreed to these terms in 1979. Since this time, both sides have been working on an agreement to define our future presence, but progress on this effort stalled in early 1998.

The current administration's policy in the region is a legacy of missed opportunities, including their failure to negotiate a continued United States presence in Panama. There exists a dire need for a stabilizing presence which the United States has brought to the region since World War II. Although the traditional threat of a foreign naval attack on the Canal has virtually disappeared, the United States still needs to be able to project military power in the region. The unprecedented upsurge in political instability and state-sponsored terrorism that the United States now faces makes it necessary to provide rapid troop and logistical transit through the Canal. The need to conduct surveillance or to pursue actual and potential adversaries also requires immediate access to the Canal. Such possibilities make it essential that the United States retain a measure of conventional military presence in the region.

There are many other reasons for the United States to retain a presence in Panama: First, the United States conducts a number of humanitarian and civil-military programs throughout the region. These missions have been greatly benefitted in the past with lower transportation costs and greater efficiency afforded by centralized logistics within the region. Second, as we all know, Panama is located in the center of a major drug transit corridor. Anti-drug operations will continue to be a critical feature of United States policy in the region. Third, with the issue of military readiness, the Jungle Operations Training Center at Fort Sherman provided unequaled facilities for training in low-intensity warfare. Former Assistant Secretary of Defense Frederick C. Smith stated that this and other sites ''will be difficult to replicate elsewhere.'' Last, 65 to 80 percent of the Panamanian people favor United States involvement in the region.

In conclusion, Mr. President, we need to send a decisive message to the current administration to renew negotiations for security arrangements and a continued United States presence in the region. And the United States Government should make it clear to the world that the Panama Canal will remain free, open, and neutral, and any indications to the contrary will be considered as an act of war against the people of the United States.●

SENATE RESOLUTION 258—DESIGNATING THE WEEK BEGINNING MARCH 12, 2000 AS ''NATIONAL SAFE PLACE WEEK''

Mr. CRAIG (for himself, Mr. AKAKA, Mr. ALLARD, Mr. CLELAND, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. GORTON, Mr. GRAMS, Mrs. HUTCHISON, Mr. INOUYE, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. LOTT, Mr. MCCONNELL, Mrs. MURRAY, Mr. SMITH, of Oregon, and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 258

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need a safe haven from various negative influences such as child abuse, substance abuse and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation's youth;

Whereas the Safe Place program is committed to protecting our Nation's most valuable asset, our youth, by offering short term ''safe places'' at neighborhood locations where trained volunteers are available to counsel and advise youth seeking assistance and guidance;

Whereas Safe Place combines the efforts of the private sector and non-profit organizations uniting to reach youth in the early stages of crisis;

Whereas Safe Place provides a direct means to assist programs in meeting performance standards relative to outreach/community relations, as set forth in the Federal Runaway and Homeless Youth Act guidelines;

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youth;

Whereas over 300 communities in 33 states and more than 6,800 business locations have established Safe Place programs;

Whereas over 35,000 young people have gone to Safe Place locations to get help when faced with crisis situations;

Whereas through the efforts of Safe Place coordinators across the country each year more than one-half million students learn that Safe Place is a resource if abusive or neglectful situations exist;

Whereas increased awareness of the program's existence will encourage communities to establish Safe Places for the Nation's youth throughout the country: Now, therefore be it

Resolved, That the Senate—

(1) proclaims the week of March 12 through March 18, 2000 as ''National Safe Place Week'' and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to promote awareness of and volunteer involvement in the Safe Place programs, and to observe the week with appropriate ceremonies and activities.

Mr. CRAIG. Mr. President, I rise today to invite my colleagues to join me in sponsoring a resolution designating the week beginning March 12, 2000 as ''National Safe Place Week.'' This resolution supports the successful Project Safe Place program and encourages its growth. This resolution promotes a program that improves the quality of life for young people across the nation without depleting social service funds or instituting new government programs whose success is unsure. Project Safe Place makes use of programs already in place, seeks to bring families together by helping them resolve their conflicts. and does not reach into the taxpayer's pocket.

The National Network for Youth estimates that more than two million young people run away from home each year. Increasing numbers of teens and even children are also being turned away from their homes by disinterested or frustrated parents. On the street, these youth are likely to resort to using drugs, prostitution and other criminal behavior or survive. They are more vulnerable to physical or sexual violence, and they are more likely to commit suicide. Without help, their future is bleak and frightening.

Project Safe Place is designated to assist young people and families who face difficult situations. The problems vary from one individual to the other. Some young people ask Safe Place for assistance because they frequently find themselves in hour-long screaming matches with their parents. Others go because they are beaten and mentally

abused at home. Sometimes they have a parent who is addicted to drugs or alcohol. All the young people who find Safe Places have in common an overwhelming need to improve their home life.

The program works by creating a network of businesses and public locations that display the bright yellow, diamond-shaped Safe Place logo in their windows or on other highly visible places on the front of their buildings. Businesses and locations such as convenience stores, fire stations, libraries, and fast food restaurants are effective Safe Places because they are found throughout the community and they tend to be easily accessible. Also, young people are more likely to ask for help in familiar, non-threatening places. In most cases, it is easier for a young person to find a convenience store and walk into it than it is for him or her to track down a social services agency, travel to it and then brave the intimidation of walking through its doors.

The employees at Safe Places are trained to act as a link to help. At the Safe Place they make sure youth who ask for help are taken into the back of the store or restaurant, away from people who may know them and question them later. The employee immediately notifies a shelter. The shelter sends a volunteer counselor to talk to the youth, offer advice and evaluate the problem. The volunteer, who is the same gender as the young person, will transport the youth to the shelter if more counseling is necessary or if the young person would like a safe place to stay. If the youth decides to stay at the shelter, parents will be notified that the young person is all right.

Project Safe Place is a national program that operates locally. It is a unique collaborative effort between youth service agencies, a network of volunteers and local businesses to make help available to youth quickly and in their own neighborhood. Safe Place aims to return young people to a healthy emotional environment. That could mean seeing that the family receives counseling or that could mean finding a place outside the house for the youth to live.

In addition to enhancing outreach programs to area youth, the distinct Safe Place signs increase awareness of the plight of troubled youths. They remind adults of problems in the community and often inspire people to volunteer. They demonstrate to businesses that the private sector can play a positive role and usually lead to more Safe Place sites.

Since its beginning in Louisville, Kentucky in 1983, acknowledgment of Project Safe Place has been crucial to letting young people know that the service is available to them and inspiring others to create more Safe Places. In March 1998, many Senators helped pass Senate Resolution 96, making the third week to March 1998 ''National Safe Place Week.'' Since then, sites grew from 6,000 to 8,000. Today, more than 30,000 young people and their families have been helped. Even if your state is not one of the 34 that has at least one Safe Place, the program has probably still affected your state. It is likely that a runaway from your state has been returned to his or her family through this program. Counseling initiated by the program may have involved a parent who lives in your state.

My goal is to have at least one Safe Place in every state by the end of the decade. I urge all my colleagues to champion this plan and to begin by cosponsoring this resolution making the second week of March ''National Safe Place Week.'' The designation of time is a crucial step in promoting awareness of this effective program. Your support will help continue the valuable partnership between government and the private sector as we move toward a society with happier and safe young people.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to review the President's proposed Fiscal Year 2001 Budget for the operation of the National Park Service system.

The hearing will take place on Tuesday, February 29, 2000 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday, February 10, 2000. The purpose of this meeting will be to discuss the findings of the President's working group's report on ''Over the Counter Derivatives Markets and the Commodity Exchange Act.''

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

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 10, 2000 at 9:30 a.m., in open session, to receive testimony on the defense authorization request for fiscal year 2001 and the future years defense plan.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, February 10, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:00 a.m. The purpose of this business meeting is to consider pending calendar business.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 10 at 10:00 a.m. to receive testimony on S. 1797, a bill to amend the Alaska Native Claims Settlement Act, to provide for a land conveyance to the city of Craig, Alaska and for other purposes; S. 1925, the Lake Tahoe Restoration Act; S. 1664, a bill to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; S. 1665, a bill to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; H.R. 2863, a bill to clarify the legal effect on the United States of the acquisitionn of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; H.R. 2862, a bill to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; and S. 1936, a bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.

COMMITTEE ON FOREIGN RELATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 10, 2000, at 10:30 a.m. and 2:30 p.m. to hold two hearings.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday,

February 10, 2000 at 10:00 a.m., for a hearing regarding the Rising Cost of College Tuition and the Effectiveness of Government Financial Aid.

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

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 10, 2000, at 10:00 a.m., in SD226.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 10, 2000 at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON EAST ASIA AND PACIFIC AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on East Asia and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 10, 2000, at 1:30 pm to hold a joint hearing with the House Subcommittee on Asia and the Pacific of the House International Relations

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

SUBCOMMITTEE ON IMMIGRATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on Thursday, Febraury 10, 2000, at 2:00 p.m., in SD226.

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

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent during the introduction of my bill, that congressional fellow Terry Ceravolo and intern Ernest White be allowed privileges of the floor.

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

Mr. GRAHAM. Mr. President, I ask unanimous consent that an intern in my office, Mr. Chris Polaszek, be allowed floor privileges during the introduction of S. 2058.

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

ADDITIONAL STATEMENTS

THE 81ST ANNIVERSARY OF THE REPUBLIC OF LITHUANIA

● Mr. SARBANES. Mr. President, it is a privilege for me to rise today to join with nearly 1 million Lithuanian-Americans in commemorating the 81st anniversary of an independent Lithuania. On February 16, it is customary for those of Lithuanian heritage, and their friends and supporters to celebrate the proclamation of a progressive and independent Republic of Lithuania, which was reestablished after more than seven centuries of struggle. Lithuania's democratic hopes were realized once before this century, yet freedom was abruptly revoked in 1940, after 22 years of democratic governance. While February 16th reminds us of Lithuania's long and difficult period, it also affords us the opportunity to commend the determination and courage of the citizens of Lithuania and other Baltic nations. Their strong commitment to democratic values serves as an incentive for us all to rededicate ourselves to the principles for which this important day stands, liberty and freedom.

The history of this nation has been marked by constant struggle against aggressors. Through countless invasions, Lithuanian defenders have stood resolutely against their foes and have demonstrated their commitment to independence. After well over a century of domination, the people of Lithuania proclaimed their independence and reestablished their sovereignty as a nation on February 16, 1918. For more than two decades, this young nation prospered economically and lived at peace with its neighbors. The events of World War II brought this period to an end when, in 1940, Lithuania was occupied by Soviet Armed forces. Our thoughts must turn to those Lithuanians who suffered under the brutality of the Nazi and Soviet occupations. Many risked and lost their lives for the rights and freedoms that Lithuanians today are privileged to enjoy. Their steadfast determination and courage eventually prevailed, providing hope for all peoples who dreamt someday of being free.

In 1990, following the collapse of the Soviet Union, Lithuania rejoined the international community of democratic nations and embraced political and economic reforms. Lithuania experienced a peaceful transfer of civilian rule, despite a difficult period of transition, and has committed to pursuing economic reforms which offer the possibility of greater prosperity, a bright future and sustainable growth for years to come. To this end, Lithuania has chosen to engage with its neighbors and other democracies by joining The Baltic Economic Cooperation Agreement and the Council of Europe and through their desire to join the European Union.

The Lithuanian people have drawn their strength from a sense of nationhood. This has been most evident here in the United States, where we have witnessed the dedication of Lithuanian Americans to the freedom of their native land. Their perseverance has encouraged many of us to stand in this body over the last several decades and proclaim our support for a Lithuanian republic.

We in Maryland, and our Nation, are particularly fortunate to have such an active Lithuanian-American community. Longstanding traditions of self-help, volunteerism and the dedication to democratic ideals that have prevailed in the community have truly enriched the history of our country. In areas ranging from business, to academia, to the arts, Lithuanian-Americans consistently make significant contributions across the Nation.

Every year Lithuanians gather in their capital, Vilnius, to commemorate this anniversary. I am proud that we in the United States have continued to stand with them on this occasion, both in years when there was much to celebrate and in years when there were only dreams of a better future. I am confident that we will continue to celebrate this anniversary in the future with the same optimism that we do this year.●

ACKNOWLEDGING THE CONTRIBUTIONS OF THE 150TH FIGHTER WING

● Mr. DOMENICI. Mr. President I rise today to salute the 150th Security Forces Squadron and the 150th Civil Engineering Squadron of the New Mexico Air National Guard.

Federally recognized on July 7, 1947 as the 188th Fighter Bomber Squadron, the ''Tacos'' have contributed significantly to U.S. military operations in Korea, Vietnam, Bosnia, Iraq, and are scheduled to deploy to Turkey next January as part of Operation Northern Watch. During their 52-year history, the Tacos were the first Air National Guard unit to be converted to the F–100 aircraft in 1958 and the A–7D aircraft in 1973. Since 1970, when the 150th Fighter Wing evolved into a joint support force, the Tacos have been utilized by every branch of our Armed Forces except for the Coast Guard.

The Tacos are characteristic of the many exceptional units that comprise our Nation's Reserve and National Guard, and I have no doubt that they will continue to ensure the success of our military missions both domestically and abroad. I would ask that my colleagues join me in thanking them for their dedicated service.

I recently received a letter from General A.C. Zinni, the U.S. Marine Corps Commander in Chief commending the Tacos for their distinguished service and the substantial role they played in the success of Operation Southern Watch. I ask that General A.C. Zinni's letter be printed in the RECORD.

The letter follows:

U.S. CENTRAL COMMAND,
OFFICE OF THE COMMANDER IN CHIEF,
MacDill Air Force Base, FL, January 20, 2000.

Hon. PETE V. DOMENICI,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOMENICI: I would like to take this opportunity to highlight the deployment this past year by members of the 150th Security Forces Squadron and the 150th Civil Engineering Squadron, New Mexico Air National Guard, to the U.S. Central Command area of responsibility. These units are but two of many outstanding Reserve

and National Guard units to deploy to Central Command's area of responsibility and contribute to the success of Operation SOUTHERN WATCH.

The capability and enthusiasm demonstrated by the members of the 150th Security Forces Squadron and the 150th Civil Engineering Squadron reflected great credit on themselves and the professionalism of Reserve and National Guard units throughout the nation. The participation of units like these significantly contributes to our overall effort in support of Operation SOUTHERN WATCH and allows the services to ensure a more responsible and efficient utilization of the total force.

Please convey my sincere appreciation and thanks to the airmen of these great organizations and their employers for their outstanding support and patriotism to the nation in this vital part of the world.

Respectfully,

A. C. ZINNI,
General, U.S. Marine Corps, Commander in Chief.●

TRIBUTE TO DR. MARTIN LUTHER KING, JR.

● Mr. ROBB. Mr. President, on January 17, 2000, I attended the dedication of a memorial monument to Dr. Martin Luther King, Jr., in Norfolk, Virginia. I want to read into the CONGRESSIONAL RECORD the remarks offered at the dedication by Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach, Virginia, and Chairman, Community Relations Council, United Jewish Federation of Tidewater:

Our God of Blessings, My Cherished African American Sisters and Brothers, Dear Dignitaries and Friends,

Indeed, ''This is the day the Lord has provided for us, let us rejoice in it.'' We have come together one family to give thanks for the life of a great son of America and humanity, the Reverend Dr. Martin Luther King, Jr., and for his legacy that will never die. With joy and pride we dedicate this towering monument to the lasting spirit it represents—to bring shalom's gift to the world through the non-violent means of hope, healing and harmony. On the threshold of a new decade, century and millennium, it is an essential guiding beacon of light and enlightenment, soothing pain and discovering promise.

Standing on the giant shoulders of our martyr for peace, we gratefully acknowledge the Biblical fountain of living truth spoken by Israel's prophets that nourished, sustained and inspired the prophetic conscience of Dr. King, a Nobel Prize laureate, teaching that human dignity is one and indivisible. No one is to pass by this sacred site untouched by it, for it is symbol of our collective mandate to transform the world—transcending limitations and breaking barriers that still divide us, keeping all children of Moses' God of Freedom from rightfully fulfilling their potential to be a blessing.

We are deeply moved by the extensive labor of love and faith finally giving birth to this grand accomplishment, now and forever gracing our beloved City of Norfolk and the Hampton Roads community. May the entire nation hearken anew to the compelling message of the Book of Deuteronomy, ''Tzedek tzedek tirdof lemann tichye'' (Justice, justice shall you pursue that you may live).

Dr. King, we pledge to you and one another to continue your most noble historical mission, rising to meet your high stature. We can do no less. We shall never give up marching to the Promised Land you so abundantly and sacrificially dreamed of, leaving behind slavery in all its manifestations. Together we shall yet overcome, O God Almighty, we shall yet overcome. Amen.●

NATIONAL POTATO LOVERS MONTH

● Mr. CRAIG. Mr. President, I rise to make a few remarks concerning National Potato Lovers Month.

It is whispered that February is the month for lovers. Well, Idahoans know that better than most Americans. You see, February is National Potato Lovers Month. That means that the ''eyes'' of the nation are upon the great state of Idaho.

Our spuds come in all shapes, sizes, and varieties, but they all have homegrown a-peel: Hot taters, big taters, little taters—even tater tots. Spuds all over the state of Idaho chip-in to put our best side up during National Potato Lovers Month.

Potatoes are truly an ''all-American'' food. In fact, instead of apple pie, it would be more accurate to say something is as ''American'' as the potato. Potatoes were first pulled from the ground in the New World, whereas apple pie originated in Europe. As early as 200 B.C., Inca Indians used potatoes to prevent indigestion and rheumatism, and used their growing cycles to measure time. During the 19th century, the American food was planted in Ireland, where its popularity surged. In fact, the Irish soon learned they couldn't live without potatoes. When Irish potato crops failed for three years, eight million people died.

Later in the 19th century, Irish immigrants popularized potatoes in America. They eventually discovered the promised land for potatoes—Idaho. Our state has the cool and moist climate that grows perfect spuds.

The only hiccup in America's steady consumption of potatoes came in the 1950's. First, instant convenience foods hit the market, and then a fad diet mistakenly identified potatoes as fattening. But when the tuber's true traits were told, potatoes joined the ranks of other processed foods.

Spuds have a long and cultivated history that includes the political stage. Politics and the potato met long ago, when Thomas Jefferson served spuds at White House dinners to special guests. And politics and the potato met again when Dan Quayle accidentally gave the country—and himself—a spelling lesson, making Dan Quayle a true ''hot potato.''

The potato continues its appetizing presence in the political arena. We here in the Senate might disagree, but we usually stop short of calling each other half-baked. And, because we know there is more than one way to skin a potato, we generally manage to unearth solutions.

To celebrate National Potato Lovers Month, I'll be sending each of my colleagues a sampling of the world's best spuds—Idaho potatoes.●

EXTRAORDINARY FAMILY OF VERMONTERS

● Mr. LEAHY. Mr. President, there was an article in one of our Vermont papers in the last few days about an extraordinary family of Vermonters. Marcelle and I have known Dick and Linda Butsch for many, many years and we have been especially pleased to watch their five children as they have grown. We have also watched Jen and Chris, and the triplets, Sarah, Patrick, and Gillian.

Sarah, Patrick, and Gillian were recently profiled because of their hockey activities. I will, at the end of my comments submit to the CONGRESSIONAL RECORD the entire story.

Dick and Linda are the best of Vermonters. Not only have they given a great deal of themselves to the community and to their families, but I have always remembered with fondness the many kindnesses they showed to my mother and father, while they were alive.

We are a small State, but it is people like the Butschs that make us a great State, and I congratulate all of them and continue to look with admiration as their children grow and develop.

Mr. President, I ask that the article entitled ''Family Values'' by Mike Donoghue be printed in the RECORD.

The article follows:

[From the Burlington Free Press, Feb. 4, 2000]

FAMILY VALUES

HOCKEY HAS BEEN A CONSTANT FOR THE BUTSCH CLAN, INCLUDING TRIPLETS SARAH, PATRICK AND GILLIAN

(By Mike Donoghue)

In Central Vermont hockey, it's not unusual to see the name Butsch for scoring a goal.

From time to time you might have read a scoring summary indicating ''Butsch goal with Butsch assist.''

On a few rare occasions it might have said, ''Butsch goal with Butsch and Butsch assists.''

For years the Butsch family has been synonymous with Central Vermont hockey, especially at U–32 High School in East Montpelier. Now the family is getting more and more attention in all four corners of the state—for both boys and girls teams—and even spreading into colleges in the Northeast.

The latest bunch of Butsch stars are triplets—Sarah, Patrick and Gillian—the children of Dr. David ''Dick'' and Linda Butsch. The three were born almost as fast as a wing taking three slap shots.

''They came less then a minute apart,'' said Linda Butsch with a laugh as she recalled the birthday in late February 1984.

The triplets have followed each other to the ice rink almost as fast as their births. They were skating by 4 and playing hockey by 6. They worked their way up through Mites, Squirts, Pee-wee, and Bantams.

They also are following in the ice skates of two older siblings, Chris, a sophomore at Skidmore, where he is president of the college's club hockey team; and Jen, a freshman for the Providence College women's hockey team.

All five made their way through the Central Vermont Skating Association before joining the U–32 varsity.

''They play hockey for all the right reasons,'' said Bill Driscoll, head of the North American Hockey Academy in Stowe.

''They show up. They love every minute of every game and practice. They have a super attitude.''

PLAYING THEIR GAME

Sarah and Patrick are stars with the U–32 boys hockey team, while Gillian, the youngest of the triplets, is the top scorer on the newly formed U–32 girls varsity hockey team.

Patrick led U–32 in scoring last year as a freshman with 24 goals and has tallied 23 this year.

Patrick admits that he winces a little when his sister, Sarah, who plays the wing, has to take a cheap shot from one of the boys on the opposing team. Otherwise, she holds her own.

''If it's a clean check, I know she can take it,'' said Patrick, who hopes to play hockey in college.

Patrick and Sarah normally play on different lines, but from time to time they are on the ice together.

''We don't play together that often. We've played more together in the past,'' Sarah said,

Patrick looks forward to those moments when he is skating alongside Sarah.

''It's fun when you are out there and know exactly where she is going to be,'' he said.

When U–32 voters approved funds for a girls varsity team this winter, Sarah had the chance to switch from the boys varsity. She declined. If she does switch, she will be locked into that decision.

''I wanted to stay with the boys just because of the level of play. I thought it would be more advantageous,'' said Sarah, who would like to play college hockey like her older sister.

Her coach, Jim Segar, agreed.

''It would hurt Sarah to go play with the girls because of her abilities,'' Segar said.

Her sister, Gillian Butsch, played in the CVSA's Bantam Division through last year, but jumped at the chance to be a member of the original girls varsity team.

''All the players and all the parents were in favor of a girls team so they could be equal with the boys,'' Sarah said.

Sarah, who is the leading scorer on the girls team, said the varsity team has improved substantially since the start of the season.

In order to better compete with the boys, Sarah works out with weights in some of her free time.

Segar and U–32 girls coach Mike Reardon said the Butsch children have been supportive of each other.

Reardon said when no scorekeeper was available for a recent girls varsity game, Patrick jumped in to run the scoreboard.

''Not everybody would do that,'' said Reardon.

Hockey isn't the only passion they share. The three sophomores also like to play soccer in the fall and lacrosse in the spring. They also have been known to pick up a tennis racket.

THE BIGGEST FANS

Dick and Linda Butsch have not only supported their children in their hockey exploits, but also in their day-to-day lives.

''The parents are really great people,'' Reardon said. ''They have instilled a lot of social values in their kids. They also have provided them with their same humility and sense of humor.''

Driscoll also has followed their careers.

''With five children, you would have thought their parents would have burned out on hockey by now. But they are at every game,'' he said.

Butsch's career included a stint on the junior varsity team at Princeton. ''It was all downhill after that,'' he said with a laugh.

Others would dispute that, including Segar and Reardon.

Butsch has been active with the new hockey rink in Montpelier, the Central Vermont Civic Center, and helped raise the $1.8 million for its construction, Segar said.

''Dick Butsch is making hockey happen in Central Vermont. Not only for U–32 and Montpelier, but the Harwood Association and others.'' He said even Spaulding High has used the Montpelier center when unable to use its home ice because of the farm show.

Butsch is trying to raise anothers $100,000 to put the final touches on the civic center, which opened in December 1998.

Butsch, a surgeon, has been known to show up in his hospital scrubs at civic center board meetings, Segar said.

Reardon said this winter he had a severe gash to his hand and Gillian pulled out a medical supply kit to help stop the bleeding and urged him to go see her father for stitches.

Reardon said a few days later, when it can time to removing the stitches, Butsch accommodated the coach at the rink by taking them out.

Linda Butsch admitted she is a limited skater. Her husband said she had a short hockey career.

''We got her to play goalie once. She never came back,'' he said.

THE FIRST WAVE

The Butsch triplets aren't the only family members making a name for themselves in the world of hockey.

Jen Butsch, a freshman on the Providence College woman's hockey team, had two goals and one assist last weekend, including the game-winning score against Cornell on Saturday.

Earlier this season, she had a game-winning goal with four seconds remaining in overtime at St. Cloud. The Friars (15–5–3 overall, 9–4–3 in ECAC play) are ranked eighth in the nation. Butsch has nine goals and seven assists, putting her third in points for Providence, which is undefeated in 13 of its last 14 games.

''She is quite a role model for her sisters,'' U–32 boys varsity coach Jim Segar said.

Chris Butsch is a sophomore at Skidmore, where he is president of the first-year club hockey team. He was a Division III all-state center at U–32, where he was the leading scorer and two-year captain. He keeps busy trying to line up games for the team and checking the Internet to see how his sister Jen is stacking up. When he gets home he tries to suit up for an occasional game with a local team, the Bolduc Crushers.●

RECOGNITION OF THE HARRIMAN ARTS PROGRAM OF WILLIAM JEWELL COLLEGE

● Mr. BOND. Mr. President, I rise today to recognize the achievements of Dr. Richard Harriman. Dr. Harriman has been an integral part of the Fine Arts program at William Jewell College and on February 25, 2000, the Fine Arts program will be named for him.

Among his many accomplishments, Dr. Harriman presented the world professional recital debut by the world renowned Luciano Pavarotti in 1973. Dr. Harriman has also presented other artists such as Isaac Stern, Itzhak Perlman and Yo-Yo Ma.

The Fine Arts program at William Jewell Incorporates an Education Series that offers free masters classes, workshops and discussions allowing Jewell students and community members to view artists in a less formal setting. Furthermore, the program was named in Peterson's Smart Parents Guide to College as an example of how small colleges can become centers of culture for an entire region.

Mr. President, Dr. Harriman has been a tremendous asset to William Jewell College and, indeed, the entire Kansas City area. I ask that my colleagues join me in congratulating him on this most distinguished honor.●

TRIBUTE TO LESTER S. JAYSON

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a dedicated public servant and friend of the Congress for many years, Lester S. Jayson, former director of the Congressional Research Service, who died on December 30, 1999, in Orlando, Florida.

Mr. Jayson joined the staff of what was then the Legislative Reference Service in October 1960 as Senior Specialist in American Public Law and Chief of the American Law Division. He was promoted to Deputy Director of the Service in May 1962, and served as Director from February 1966 through September 1975.

Mr. Jayson was influential in helping to develop the modern Congressional Research Service during his tenure as director of CRS between 1971 and 1975, the years in which the Service began implementation of the Legislative Reorganization Act of 1970. This Act changed the name of the Service and fundamentally enhanced its role by emphasizing the provision of policy analysis in all services to Members and committees of the Congress. The staff of the Service more than doubled during this time, and Mr. Jayson helped guide CRS to fulfill its congressional mandate and continue the tradition of responding to congressional requests for comprehensive and reliable information, research, and analysis to the Congress at all stages of the legislative process.

A graduate of New York City College in 1936 and Harvard Law School in 1939, Mr. Jayson was admitted to the bar of the State of New York and practiced law in New York City until 1942, when he was appointed Special Assistant to the U.S. Attorney General to handle trial and appellate proceedings in civil cases in the New York field office of the Department of Justice. In 1950, he joined the Appellate Section of the Civil Division of the Justice Department, and in 1957, he became Assistant Chief of the Torts Section, Civil Division, and then was promoted to Chief of that division. Mr. Jayson was also a member of the bar of the U.S. Supreme Court, the U.S. Court of Claims, the U.S. Court of Appeals for the District of Columbia Circuit, and various other Federal courts. He served as Chairman

and Vice Chairman of the Federal Tort Claims Committee of the Federal Bar Association.

His 1,200-page book, Federal Tort Claims: Administrative and Judicial Remedies, was considered by many to be the preeminent volume on federal tort law. He wrote the volume as an extracurricular activity in 1964 and continued to update it regularly until several years ago.

On behalf of the Members of Congress who knew and worked with Mr. Jayson, I would like to thank his family for sharing him with us during the years he served the Congress and hope they are comforted by his legacy. Our thoughts and prayers are with his wife, Evelyn, his daughters Jill and Diane, and his four grandchildren.●

TRIBUTE TO JIM FLANAGAN ON HIS RETIREMENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today in recognition of a gentleman who is known to many of us here in the Senate and in the House of Representatives, Mr. Jim Flanagan, who is now retiring after more than 35 years of representing electric utility interests here in Washington.

A graduate of St. Michael's College in Vermont, and an Army veteran who served as a guided missile instructor, Jim Flanagan worked for many years as the Washington Representative of New England Electric System, and later for Yankee Atomic Electric Company. It is in that capacity that many of us came to know Jim as a wise counselor on the intricacies of electricity and tax legislation. Jim always had a firm grasp on the issues, he often had an innovative approach to solving a problem, and he was unfailingly respectful of the political process and the difficult decisions that elected representatives face when supporting or opposing legislation.

I came to know Jim personally under just such circumstances. He was an advocate for licensing the Seabrook nuclear plant in my state of New Hampshire, arguably the most controversial construction project ever undertaken in this country. Throughout good times and bad, through the many legislative attempts to derail the project, Jim Flanagan stood his ground, he argued with facts not rhetoric, and he represented his company's interests with integrity and passion. We eventually licensed that plant, something I am personally proud of, and today Seabrook is one of the safest, best-performing nuclear plants in the world. Without the efforts of Jim Flanagan, that would not have happened.

Jim had another, equally important, side to him. Beyond the issues of the day, Jim Flanagan was a loyal friend, a gentleman who looked out for others and who would take that extra step to do someone a favor. He was a believer in young people, and took it upon himself to be a mentor to many here in Washington, including members of my staff. Many of us who know Jim know that he has a bad knee, but few of us realize that he got that bad knee teaching Little Leaguers how to slide into second base more than 40 years ago. From his hometown of Waltham, Massachusetts, to here in the Nation's Capital, Jim Flanagan cared about people.

In an industry that has gone through several sea changes, and in a town where people and ideas come and go, Jim Flanagan was a constant—you could always count on him. Jim will be sorely missed—some say the Edison Electric Institute will not survive without him—but he will certainly not be forgotten. Jim's wife Beth, and his two grown children Billy and Lisa, should be very proud of him.●

RECOGNITION OF JASON LEE MIDDLE SCHOOL IN VANCOUVER, WA

● Mr. GORTON. Mr. President, as I have traveled throughout Washington State, meeting with parents and educators, I have learned about the unique needs that exist in each of our school districts. One of those challenges is teaching children who speak English as their second language. In Vancouver, Washington, Jason Lee Middle School has created a program called the Jason Lee English Transition System (JETS) that tackles this challenge head on and not only teaches English, but also identifies exceptional and special needs students and helps them to excel. I am proud to present my 32nd ''Innovation in Education'' award to the JETS program of Vancouver's Jason Lee Middle School.

Twenty-five percent of Jason Lee's students are English Language Learners [ELL] and speak 14 different languages. A majority of these students speak either Russian, Ukrainian, or Spanish, creating a diverse student body and enhancing every child's education. When a child begins to learn English at Jason Lee, they do not immediately enter mainstream classes and instead are taught in their native language to demonstrate their math and reading levels. Students must also go through an intensive instruction in English before they are brought into general education classes. This advance preparation means that ELL students are greeted with a more inclusive atmosphere and will have a greater understanding of their classes and coursework.

Another challenge that faces students new to the United States is understanding American culture while maintaining ties to their own native culture. The JETS program also recognizes this difficult adjustment by putting a great emphasis on encouraging both the celebration of the native culture and in actively encouraging parental involvement.

In addition, JETS has taken the further step of working to not only provide these students with a smooth transition into English, but it goes one step further and identifies gifted students and students with special needs. Too often, programs for non-English speaking students struggle to identify children needing special attention. Clearly, JETS has addressed that obstacle and serves as a model for school districts struggling with the same challenges.

The JETS program does not just teach students English, it identifies and addresses the many issues that a child new to this country must suddenly deal with and seeks an understanding of each student's learning level. I applaud the teachers and staff at Jason Lee Middle School for developing the JETS program which demonstrates the innovation and creativity that is happening in our schools today. I congratulate Jason Lee Middle School for its outstanding work in this field of education.●

BEULAH COOL'S 96TH BIRTHDAY

● Mr. ABRAHAM. Mr. President, I rise to recognize Beulah Cool and congratulate her on the celebration of her 96th birthday. Ms. Cool was born on June 20, 1903 in Elmdale, MI, and is currently a resident of Webberville County, MI.

Ms. Cool has lived a life dedicated to helping others, as evidenced by her commitment to education and community service. She graduated from Clarksville school in 1921, took a six-week course in teaching, and taught at a rural school that same year. Upon her marriage to Kenneth Cool in 1929, she put a hold on her teaching career and gave birth to two sons, William Kenneth (1940) and Robert Arthur (1943), staying at home until they were both in school. In 1950, Ms. Cool returned to teaching, instructing first grade for 21 years until her retirement in 1971.

After her retirement from teaching, Beulah commenced her ''second career'' as a volunteer, with organizations such as the Red Cross, CROP Walk and Sparrow Hospital. One of her specialities when working at Sparrow was knitting caps for premature babies. Ms. Cool is also a member of the Webberville United Methodist Church (where she has taught Sunday School), the Webberville Women's Advance Club, the Webberville Garden Club, and the Webberville Extension Club. In honor of her extensive community service, Beulah was named Webberville Citizen of the Year in 1990, ''Queen of Webberville'' by the Webberville Fireman's Organization in 1996, and has served as Grand Marshal in a Webberville parade.

The town of Webberville and the State of Michigan are lucky to have Beulah Cool to call their own. I applaud her on her more than 70 years of community service through education and volunteer work and I wish her a very happy 96th birthday.●

ST. CLAIR SHORES AMVETS POST 121 CELEBRATES 50TH ANNIVERSARY

● Mr. ABRAHAM. Mr. President, I rise to recognize the St. Clair Shores, Michigan, AMVETS Post 121 upon the celebration of its 50th anniversary taking place this February 24th.

For the past 50 years the post has strived to make a home for many American service men and women, while in service and after they received an honorable discharge. The post has been involved in the St. Clair Shores Memorial festivities, and has provided community service and child welfare for both veterans and non-veterans yearly by giving college scholarships, baskets of food during Christmas time, and food and clothing donations to local children's facilities.

I applaud AMVETS Post 121 for its committed remembrance of the men and women who have served our country in the Armed Forces. Their dedication and hard work for veterans and non-veterans alike should serve a model for other veteran organizations around the country. It is an honor today, on behalf of the U.S. Senate, to recognize AMVETS Post 121 on its 50th annviersary.●

TRIBUTE TO THE MICHIGAN ASSOCIATION OF CHIEFS OF POLICE

● Mr. ABRAHAM. Mr. President, I rise today to recognize the Michigan Association of Chiefs of Police (MACP) who are attending their Mid-Winter Training Conference this week. I want to commend Michigan's Chiefs of Police for their dedication to protecting Michigan's citizens—for their unwavering effort to keep our communities safe, even when that means putting themselves in harm's way.

The MACP training conference is evidence of their commitment to learning the most current state-of-the-art practices and systems used by law enforcement in order to keep Michiganians as safe as possible.

Mr. President, I have had the pleasure of working with some of these police chiefs on legislation. Through this work, I have only gained more respect and appreciation for their dedication and their expertise in law enforcement issues.

At a time when some politicians are supporting clemency for terrorists, and others are effectively pitting our law enforcement officers against the very people they are protecting, I think it is essential that we publicly recognize the exemplary role that our police chiefs and officers play.

I am proud to have this opportunity, on behalf of the U.S. Senate, to publicly express our gratitude to police chiefs and officers across the country who risk their lives to keep us safe—who work every day on the side of law-abiding citizens. I call on all elected representatives to join me in supporting the efforts of police chiefs to keep our communities safe.●

CENTER LINE HIGH NAMED A BLUE RIBBON SCHOOL BY DEPARTMENT OF EDUCATION

● Mr. ABRAHAM. Mr. President, I rise to offer my congratulations to Center Line High School in Center Line, Michigan, upon its recognition by the US Department of Education as a Blue Ribbon School. Fully accredited by the North Central Association and continuously endorsed since 1956, Center Line High School has demonstrated excellence in a variety of areas, including student focus and support, active teaching and learning, leadership, community partnerships, and educational vitality.

The Department of Education's Blue Ribbon Program promotes and supports the improvement of education in America by: identifying and recognizing schools that are models of excellence and equity, that demonstrate a strong commitment to educational excellence for all students; making research based, self-assessment criteria available to schools looking for a way to reflect on how they are doing; and encouraging schools, both within and among themselves, to share information about best practices which is based on a shared understanding of the standards which demonstrate educational success.

Center Line High School demonstrated its excellence to the Department of Education through a variety of innovative programs intended to prepare its students academically, physically, and socially to participate productively in this rapidly changing world. Center Line High is in its second year on an alternating A/B block schedule, which has allowed the school to implement 11 new courses this past year. Beyond its academic and curricular superiority, Center Line offers an array of student-run activities that integrate learning and service with community involvement. One such program allows students the opportunity to operate a branch of the Metro Credit Union (one of the first student-run credit unions in the county and state) while the student-initiated Community Outreach Program gives students the chance to engage in area service projects.

I applaud Center Line High School on its excellence in education and its commitment to the development of students and the community. I also with to congratulate the school once again upon its designation as a Blue Ribbon School by the Department of Education.●

THE RETIREMENT OF THE MOST REVEREND MOSES B. ANDERSON, S.S.E.; AUXILIARY BISHOP ARCHDIOCESE OF DETROIT

● Mr. ABRAHAM. Mr. President, I rise to make a few remarks concerning the retirement of the Most Reverend Moses B. Anderson, S.S.E. Auxiliary Bishop of Detroit. Bishop Anderson was the first African-American Catholic Bishop in the State of Michigan.

Bishop Anderson will be honored at a Gratitude Dinner at the Sacred Heart Major Seminary in the City of Detroit on February 17, 2000, at which time he will also be presented with the Mother Theresa Duchemin Maxis Award.

Bishop Anderson has served the Catholic Church since his ordination as a priest in 1958. He was appointed Auxiliary Bishop of Detroit in 1982, was consecrated in 1983 at the Blessed Sacrament Church, and was appointed Pastor of Precious Blood Parish in Detroit in 1992. While in service to the Catholic Church in Greater Detroit, Bishop Anderson has specialized in several areas, most notably those dealing with black theology, art, and evangelization.

Bishop Anderson's membership list includes: the National Catholic Conference of Bishops—United States Catholic Conference, the Society for the Study of Black Religion, the New Detroit Board of Trustees, Boysville of America, and the Ecumenical Forum. He has also given lectures or written papers on the following topics: Black Theology, Evangelization-Indigenization, the History of the Black Church in Louisiana, Racism—The Impoverishment of the Body and the Spirit, Black Awareness—The Harlem Renaissance and the Negritude Poets, and Black Spirituality.

Bishop Anderson's lengthy list of accomplishments also includes educational achievements, including the following degrees: Doctor of Humane Letters, St. Michael College; Honorary Degree in L.L.D. from Kansas Newman College; Honorary Doctor of Humanities Degree from Madonna College; and Honorary Doctor of Laws Degree from the University of Detroit Mercy.

I applaud the Most Reverend Moses B. Anderson for his contribution to the Catholic Church and the Greater Detroit area and wish to take this opportunity to personally thank him for his many years of selfless service to the City of Detroit and the State of Michigan.●

MICHIGAN STUDENTS HONORED AS EXEMPLARY YOUTH VOLUNTEERS BY THE PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

● Mr. ABRAHAM. Mr. President, I rise to congratulate and honor two young Michigan students who have achieved national recognition for exemplary volunteer service in their communities. Jonathan Quarles of Flint and Gopalkrishna Trivedi of Grosse Pointe Park have just been named State Honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on only one high school student and one middle-level student in each state, the District of Columbia and Puerto Rico.

Mr. Quarles, a high school senior at Flint Northern High School, founded Students Against Violence Everywhere

(S.A.V.E.), a group that helps discourage crime through creative presentations. Since the group was founded in 1997, they have worked in collaboration with many organizations, including leadership workshops. ''In the past year, not one teen was killed by violence in Flint,'' says Jonathan.

Mr. Trivedi, an eighth-grader at Pierce Middle School, repaired and upgraded 120 obsolete computers to help non-English speaking students learn and work in English. He encouraged two of his computer classmates to help with the project, and the three students proceeded to carry the outdated computers from the school basement to the computer lab. They then inspected each computer to diagnose problems, and replaced all defective parts. Once the computers were repaired, Gopal then formatted the hard drives, installed CD–ROM's, and loaded each with an operating system. Most of these modified computers were donated to students who had recently arrived from Albania with very few financial resources. Gopal donated the rest of the computers to the school's science lab and the computer keyboarding lab. ''It is a really good feeling when sacrifices are made for other people and those sacrifices actually change some lives for the better,'' said Gopal recently.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contributions these young people have made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Mr. Quarles and Mr. Trivedi are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought these young role models to our attention—The Prudential Spirit of Community Awards—was created by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. In only five years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Mr. Quarles and Mr. Trivedi should be extremely proud to have been singled out from such a large group of dedicated volunteers. As part of their recognition, they will come to Washington in early May along with other year-2000 Spirit of Community honorees from across the country, for several days of special events, including a Congressional breakfast reception on Capitol Hill. While here in Washington, ten will be named America's top youth volunteers of the year by a distinguished national service selection committee chaired by Senators Byron Douglas of North Dakota and SUSAN COLLINS of Maine.

I heartily applaud Mr. Quarles and Mr. Trivedi for their initiative in seeking to make their communities better places to live, and for the positive impact they have had on the lives of others. I would also like to salute other young people in my state who were named Distinguished Finalists by The Prudential Spirit of Community Awards for their outstanding volunteer service. They are: Nupur Kanodia of Rochester Hills, Lauren Lubowicki of Fenton, David Sherman of Dearborn, Korina Smith of Douglas, Brooke Southgate of Unionville, and Perry Williams of Grand Rapids.

All of these young people have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world. They deserve our sincere admiration and respect. Their actions show that young Americans can—and do—play important roles in their communities, and that America's community spirit continues to hold tremendous promise for the future.●

RICK JONES TO RECEIVE 1999 SERVICE TO CHILDREN AWARD

● Mr. ABRAHAM. Mr. President, I rise to congratulate Rick Jones, Captain of the Road Patrol for the Eaton County Sheriff Department, on his selection as the 1999 Service to Children Award winner. This award will be presented to Captain Jones by the Eaton County Child Abuse and Neglect Prevention Council.

Captain Jones was selected for his volunteer work benefitting youth activities throughout Eaton County. Captain Jones' involvement in youth activities in his area range from efforts to build both the Eaton Rapids Playground of Dreams and the Potterville Imagination Station Playground, to volunteer work with the ''Kids to the Rescue'' Earth Day activities, Grand Ledge Kid's Day, 4H programs, and the Special Olympics.

Captain Jones' efforts toward improving his community also reach beyond his work with area youth. He has participated in area programs including Meals on Wheels, 4-H, Eaton Shelter, and Eaton Community Hospice.

The newsletter of the Eaton County Child Abuse and Prevention Council said this about Captain Jones: ''Living a life of service is paramount to Rick Jones * * * As a young Sheriff's deputy, Jones learned that 'life could be pretty short.' After being shot at, Rick Jones found himself evaluating life's meaning and concluding that what is truly important are contributions to his community.''

Eaton County, and all of Michigan, are lucky to have Rick Jones to call their own. I am sure that his outlook on life and his volunteer work have made a positive difference in the lives of many in his community. It is an honor today, on behalf of the U.S. Senate, to congratulate Captain Jones on his receipt of the Service to Children Award.●

THE 75TH ANNIVERSARY OF THE VETERANS OF FOREIGN WARS NATIONAL HOME

● Mr. ABRAHAM. Mr. President, I rise to congratulate the Veterans of Foreign Wars National Home on their 75th anniversary. The VFW National Home—also known as the VFW National Home for children—located in Eaton Rapids, MI, celebrated this milestone birthday on the seventh of January, 2000.

The VFW National Home for Children has served more than 1,600 people across the country who have family ties to members of the VFW and Ladies Auxiliary. The 600 acre facility grew from a plot of land that was initially donated by a Jackson farmer in 1925. Originally created as an orphanage for children of dead or disabled veterans, the home now has professional case workers on staff, while offering full college funding for children, a program for single parents, and other social programs.

The house is home to 91 children and 27 single parents. In addition to social services, it offers a nursery, sports programs, and several extracurricular activities. And, as if this wasn't impressive enough, the VFW National Home is run totally on private donations.

Mr. President, Michiganians are privileged to have this important home in their state. It is an honor today, on behalf of the United States Senate, to offer congratulations on their anniversary and thanks to all of those who donate their time, their love, and their financial resources to the VFW National Home.●

WARREN YMCA CELEBRATES 20TH ANNIVERSARY OF ITS GOURMET DINNER

● Mr. ABRAHAM. Mr. President, I rise to recognize the Warren, Michigan, YMCA upon the 20th anniversary of its annual ''Gourmet Dinner.'' The Warren YMCA holds a unique dinner each year, raising money for summer camp and similar youth projects. The banquet is attended by area residents who are treated to food and drinks prepared by area restauranteurs and served by notable community members.

Part of the funds raised from the gathering will go toward camperships for needy children, while some of the monies will supplement the Friday night drop-in centers for youths currently held at various church and school buildings around the city. Gym time, craft projects, pool and ping-pong games, and dances are also part of the available activities.

The event, believed to be the first of its kind in the Warren area, has been

considered a perennial success by members of the YMCA's Executive Board as it merges community cooperation with youth development.

The fund raising dinner is a very special event in Metropolitan Detroit and has been a success since its inauguration 20 years ago. I applaud the Warren YMCA for its vision of service and the community for its continued involvement in this very worthy event.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–22

Mr. GORTON. Mr. President as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on February 10, 2000, by the President of the United States: Treaty with Russia on Mutual Legal Assistance in Criminal Matters (Treaty Document No. 106–22).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Russian Federation on Mutual Legal Assistance in Criminal Matters, signed at Moscow on June 17, 1999. I transmit also, for the information of the Senate, a related exchange of notes and the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including terrorism, moray laundering, orgnanized crime and drug-trafficking offenses. The treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty included obtaining the testimony or statements of persons; providing documents, records and other items; aserving documents; locating or identifying persons and items; executing requests for searches and seizures; transferring persons in custody for testimony or other purposes; locating and immobilization assets for purposes of forfeiture, restitution, or collection of fines and any other form of legal assistance not prohibited by the laws of the Requested Party.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 2000.*

MEASURES INDEFINITELY POSTPONED

Mr. GORTON. Mr. President, I ask unanimous consent that the following bills be indefinitely postponed: Calendar No. 10—S. 270, No. 11—S. 271, No. 12—S. 280, No. 22—S. 364, No. 34—S. 96, No. 54—S. 272, No. 55—S. 392, No. 104—H.R. 509, No. 105—H.R. 510, No. 112—S. 858, No. 129—S. 415, No. 132—S. 109, No. 133—S. 441, No. 156—S. 607, No. 171—S. 140, No. 176—S. 946, No. 177—S. 955, No. 207—S. 1248, No. 216—S. 1393, No. 225—S. 581, No. 239—S. 953, No. 248—H.R. 695, No. 307—S. 1377, and No. 429—S. 2006.

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

Mr. GORTON. Mr. President, we are going to have a lot shorter calendar when we come back in a couple of weeks.

DESIGNATING THE WEEK OF FEBRUARY 14–18, 2000, AS ''NATIONAL HEART FAILURE AWARENESS WEEK''

Mr. GORTON. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 256, submitted earlier by Senator SPECTER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 256) designating the week of February 14 to 18, 2000, as ''National Heart Failure Awareness Week.''

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

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

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

The resolution (S. Res. 256) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 256

Whereas the primary goals of ''National Heart Failure Awareness Week'' are—

(1) to promote research related to all aspects of heart failure and provide a forum for presentation of that research;

(2) to educate heart failure caregivers and patients through programs, publications, and other media allowing for more effective treatment and diagnosis of heart failure; and

(3) to enhance the quality and duration of life for those with heart failure;

Whereas heart failure, a disease of the heart muscle, is of epidemic proportions in the United States;

Whereas as of January 1, 2000, approximately 4,600,000 Americans had been diagnosed with congestive heart failure, and an estimated 450,000 more cases will be diagnosed in the year 2000;

Whereas coronary artery disease is a cause in approximately 50 percent of the cases of patients with heart failure, and in such cases, patients often have heart attacks or require bypass surgery;

Whereas the incidence of heart failure increases with age and is the most frequent cause of hospitalization for individuals over the age of 65;

Whereas the prognosis for those diagnosed with heart failure is not promising, as less than 50 percent of patients live more than 5 years after their initial diagnosis; and

Whereas it is vital that the American public become aware of the enormous impact of heart failure, and be better educated regarding the signs and symptoms of the disease: Now, therefore, be it

Resolved, That the Senate—

(1) in recognition of all the individuals who have devoted time and energy toward increasing public awareness and education on heart failure, designates the week of February 14–18, 2000, as ''National Heart Failure Awareness Week''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY AS PART OF THE COMMEMORATION OF THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. GORTON. Mr. President, I ask unanimous consent the Rules Committee be discharged from further consideration of H. Con. Res. 244 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (H. Con. Res. 244) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

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

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

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

The resolution (H. Con. Res. 244) was agreed to.

ORDERS FOR TUESDAY, FEBRUARY 22, 2000

Mr. GORTON. Mr. President, I ask unanimous consent when the Senate completes its business today it adjourn until 11 a.m. on Tuesday, February 22, under the provisions of S. Con. Res 80. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then recognize Senator MOYNIHAN to read Washington's Farewell Address as under the previous order.

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

Mr. GORTON. Mr. President, I ask unanimous consent that following the address the Senate begin a period of morning business until 12:30 p.m. with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator DURBIN or his designee in control of the first half of the time, to be followed by Senator THOMAS, or his designee, in control of the second half of the time.

I also ask unanimous consent the Senate stand in recess from the hours of 12:30 to 2:15 for the weekly policy conferences to meet.

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

PROGRAM

Mr. GORTON. For the information of all Senators, when the Senate reconvenes, Senator MOYNIHAN will be recognized to read Washington's Farewell Address in honor of the impending holiday. Following this annual Senate tradition, the Senate will be in a period of morning business until the Senate recesses at 12:30 p.m. for the weekly policy luncheons. When the Senate reconvenes at 2:15 p.m., it will begin consideration of any executive or legislative items cleared for action. However, the leader has announced there will be no votes prior to 2:15 p.m.

ADJOURNMENT UNTIL 11 A.M. TUESDAY, FEBRUARY 22, 2000

Mr. GORTON. Mr. President, if there be no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the provisions of S. Con. Res. 80.

There being no objection, the Senate, at 6:15 p.m., adjourned until Tuesday, February 22, 2000, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 10, 2000:

DEPARTMENT OF STATE

EDWARD WILLIAM GNEHM, JR., OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA.

RONALD D. GODARD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

DANIEL A. JOHNSON, OF FLORIDA, CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

V. MANUEL ROCHA, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

MICHAEL J. SENKO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KIRIBATI.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 10, 2000:

THE JUDICIARY

Thomas L. Ambro, of Delaware, to be United States Circuit Judge for the Third Circuit.

Joel A. Pisano, of New Jersey, to be United States District Judge for the District of New Jersey.