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Senate

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

PRAYER

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

Gracious Father, so often we begin the work of the Senate by praying for unity. Today we search deeper into our own hearts to discover why we ask for unity and then find it difficult to accept Your gift. Today we humble ourselves and confess our profound need for Your help. Crucial issues separate Senators ideologically. Both sides in debate assume they are right. Sometimes pride fires the flames of the competitive will to win. Other times physical tiredness causes loss of control, and words may be used to demean or shame with blame. In the quiet of this moment we ask You to imbue the Senators with the controlling conviction of their accountability to You for what is said and done. We ask You to give the leaders of both parties the initiative to take the first step to break deadlocks and move toward creative compromises and achieve agreements.

Lord God, we need Your healing. Make us all as willing to receive as You are to give. Without You, we are powerless; with You, nothing is impossible. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Pennsylvania.

SCHEDULE

Mr. SPECTER. Mr. President, on behalf of the distinguished majority leader, Senator LOTT, I have been asked to announce that we will proceed with further consideration of the appropriations bill for the Departments of Labor, Health and Human Services, and Education. We have an amendment to be presented in a moment or two by the distinguished Senator from Missouri, Mr. BOND. We urge all Senators who have amendments to come to the floor to offer those amendments. Any rollcall votes will be considered sometime early next week under the schedule announced by the majority leader.

We are trying to move ahead with this bill. There are quite a few Senators who have stated their intention to offer amendments. Staff and I have canvassed a good many of the Members in an effort to have them come to the floor to take up their amendments. That would help in the disposition of this bill. We are going to be in session until at least close to noon today. We do know that in the early stages of bills, there is time for discussion, for debate, and later the time becomes very crowded, time is limited, and Senators may be allotted only a few minutes under time agreements. So now is the time to come to take up the issues.

The majority leader has also asked me to announce that the Senate may turn to the Department of Defense authorization bill on Monday.

RESERVATION OF LEADER TIME

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

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4577, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

McCain amendment No. 3610, to enhance protection of children using the Internet.

Mr. SPECTER. Mr. President, the Labor, Health and Human Services, and Education bill before the Senate today contains a program level of $104.5 billion, an increase of $7.9 billion or 8.2 percent over the fiscal year 2000 program level. This program level was achieved by savings in the following areas: The temporary assistance to needy families, supplemental security income, and the State children's health insurance programs. Further, savings were also achieved by advance funding an additional $2.3 billion of education dollars into fiscal year 2002, while keeping the same overall level of advances as last year. The actual budget authority in the bill is $97.35 billion, the full amount of the subcommittee's allocation under section 302(b) of the Budget Act.

Given the subcommittee's allocation there were inadequate resources to sufficiently fund important health, education and training programs. Therefore savings needed to be found in order to expand these high priority discretionary programs. For example, savings were achieved by shifting $1.9 billion in unspent fiscal year 1998 State Children's Health Insurance Program (SCHIP) funds into fiscal year 2003. Currently 38 States and the District of Columbia have not spent their SCHIP funds which are due to expire on September 30, 2000. By reappropriating funds, these 38 States and the District of Columbia will have an opportunity to spend these dollars in future years.

The recommendations made in the bill both keeps faith with the budget agreement and addresses the health,

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

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education, employment and training priorities of the Senate.

While consistent with the budget agreement, many tough choices had to be made. Senator HARKIN and I received over 1,800 requests from Members for expanded funding for programs within the subcommittee's jurisdiction. In order to stay within the allocation and balance the priorities established in the budget agreement and expressed in Member requests, we had to take a critical look at all of the programs within the bill. I want to take this opportunity to thank the distinguished Senator from Iowa, Mr. HARKIN, for his hard work and support in bringing this bill through the committee and on to the floor for full consideration by all Senators.

The programs funded within the subcommittee's jurisdiction provide resources to improve the public health and strengthen biomedical research, assure a quality education for America's children, and offer opportunities for individuals seeking to improve job skills. I'd like to mention several important accomplishments of this bill.

Nothing is more important than a persons health and few things are feared more than ill health. Medical research into understanding, preventing, and treating the disorders that afflict men and women in our society is the best means we have for protecting our health and combating disease.

Since January of 2000, the Labor-HHS Subcommittee has held nine hearings on medical research issues.

We have heard testimony from NIH Institute Directors, medical experts from across the United States, patients, family members, and advocates asking for increased biomedical research funding to find the causes and cures for diseases Alzheimer's and Parkinson's disease, ALS, AIDS, cancer, diabetes, heart disease, and many other serious health disorders. We have also heard from advocates on both sides of the stem cell debate. The bill before the Senate contains $20.5 billion for the National Institutes of Health, the crown jewel of the Federal government. The $2.7 billion increase over the fiscal year 2000 appropriation will support medical research that is being conducted at institutions throughout the country. This increase will continue the effort to double NIH by fiscal year 2003. These funds will be critical in catalyzing scientific discoveries that will lead to new treatments and cures for a whole host of diseases.

Head Start: To enable all children to develop and function at their highest potential, the bill includes $6.2 billion for the Head Start program, an increase of $1 billion over last year's appropriation. This increase will provide services to an additional 60,000 children bringing the total amount of kids served in fiscal year 2001 to 936,000. This increase will put us on track to enroll one million children in Head Start by the year 2002.

Community health centers: To help provide primary health care services to the medically indigent and underserved populations in rural and urban areas, the bill contains $1.1 billion for community health centers. This amount represents an increase of $100 million over the fiscal year 2000 appropriation. These centers will provide health care to nearly 11 million low-income patients, 4.5 million of whom are uninsured.

Youth Violence Initiative: The bill includes $1.2 billion for programs to assist communities in preventing youth violence. This initiative, begun in fiscal year 2000, will continue to address youth violence in a comprehensive way by coordinating programs throughout the Federal government to improve research, prevention, education and treatment strategies to identify and combat youth violence.

Drug demand initiative: To curb the effects of drug abuse, the bill includes $3.7 billion for programs to help reduce the demand for drugs in this country. Funds have been increased for drug education in this Nation's schools; youth offender drug counseling, education and employment programs; and substance abuse research and prevention.

Women's health: Again this year, the committee has placed a very high priority on women's health. The bill before the Senate provides $4.1 billion for programs specifically addressing the health needs of women. Included in this amount is $27.4 million for the Public Health Service, Office of Women's Health, an increase of $6.1 million over last year's funding level to continue and expand programs to develop model health care services for women, provide monies for a comprehensive review of the impact of heart disease on women, and to launch an osteoporosis public education campaign aimed at teenagers. Also included is $253.9 million for family planning programs; $169 million to support the programs that provide assistance to women who have been victims of abuse and to initiate and expand domestic violence prevention programs to begin; $149.9 million for sexually transmitted diseases; $177.5 million for breast and cervical cancer screening; and $2.7 billion for research directed at women at the National Institutes of Health.

Medical error reduction: The Labor-HHS Subcommittee held several hearings to explore the factors leading to medical errors and received testimony from family members and patients detailing their experiences with medical mistakes. The Institute of Medicine also gave testimony and outlined findings from their recent report which indicated that 98,000 deaths occur each year because of medical errors. The bill before the Senate contains $50 million to determine ways to reduce medical errors and also recommends that guidelines be developed to collect data related to patient safety, best practices to reduce error rates and ways to improve provider training.

LIHEAP: The bill maintains $1.1 billion for the Low Income Home Energy Assistance Program (LIHEAP). The bill also provides an additional $300 million in emergency appropriations. LIHEAP is a key program for low income families in Pennsylvania and cold weather states throughout the nation. Funding supports grants to states to deliver critical assistance to low income households to help meet higher energy costs.

Aging programs; For programs serving the elderly, the bill before the Senate recommends $2.4 billion, an increase of $133 million over the fiscal year 2000 appropriation. Included is: $440.2 million for the community service employment program which provides part-time employment opportunities for low-income elderly; $325.1 million for supportive services and senior centers; $521.4 million for congregate and home-delivered nutrition services; and $187.3 million for the National Senior Volunteer Corps. Also, the bill provides increased funds for research into the causes and cures of Alzheimer's disease and other aging related disorders; funds to continue geriatric education centers; and the Medicare insurance counseling program.

AIDS: The bill includes $2.5 billion for AIDS research, prevention and services. Included in this amount is $1.6 billion for Ryan White programs, an increase of $55.4 million; $762.1 million for AIDS prevention programs at the Centers for Disease Control; $60 million for global and minority AIDS activities within the Public Health and Social Services Funds; and $85 million for benefit payments authorized by the Ricky Ray Hemophilia Trust Fund Act.

Education: To enhance this Nation's investment in education, the bill before the Senate contains $40.2 billion in discretionary education funds, an increase of $4.6 billion over last year's funding level, and $100 million more than the President's budget request.

Education for disadvantaged children: For programs to educate disadvantaged children, the bill recommends $8.9 billion, an increase of $177.8 million over last year's level. These funds will provide services to approximately 13 million school children. The bill also includes $185 million for the Even Start program, an increase of $35 million over the 2000 appropriation. Even Start provides education services to low-income children and their families.

Title VI block grant: For the Innovative education program strategies State grant program, the bill contains $3.1 billion, an increase of $2.7 billion over fiscal year 2000. Within this amount, $2.7 billion is to be used to assist local educational agencies, as part of their locally developed strategies, to improve academic achievement of students. Funds may be used to address the shortage of highly qualified teachers, reduce class size, particularly in the early grades, or for renovation and construction of school facilities. How the funds shall be spent is at the sole discretion of the local educational agency.

Impact aid: For impact aid programs, the bill includes $1.030 billion, an increase of $123.5 million over the 2000 appropriation. Included in the recommendation is: $50 million for payments for children with disabilities; $818 million for basic support payments, an increase of $80.8 million; $82 million for heavily impacted districts; $25 million for construction and $47 million for payments for Federal property.

Bilingual education: The bill provides $443 million to assist in the education of immigrant and limited-English proficient students. This recommendation is an increase of $37 million over the 2000 appropriation and will provide instructional services to approximately 1.3 million children.

Special education: One of the largest increases recommended in this bill is the $1.3 billion for special education programs. The $7.1 billion provided will help local educational agencies meet the requirement that all children with disabilities have access to a free, appropriate public education, and all infants and toddlers with disabilities have access to early intervention services. These funds will serve an estimated 6.4 million children age 3–21, at a cost of $984 per child. While also supporting 580,500 preschoolers at a cost of $672 per child.

TRIO: To improve post-secondary education opportunities for low-income first-generation college students, the committee recommendation provides $736.5 million for the TRIO program, a $91.5 million increase over the 2000 appropriation. These additional funds will assist in more intensive outreach and support services for low income youth.

Student aid: For student aid programs, the bill provides $10.6 billion, an increase of $1.3 billion over last year's amount. Pell grants, the cornerstone of student financial aid, have been increased by $350 for a maximum grant of $3,650. The supplemental educational opportunity grants program has also been increased by $70 million, the work study program was increased by $77 million and the Perkins loans programs is increased by $30 million.

21st Century Community Learning Centers: For the 21st Century After School program, the bill provides $600 million, an increase of $146.6 million over last year's level. This program supports rural and inner-city public elementary and secondary schools that provide extended learning opportunities and offer recreational, health, and other social services programs. The bill also includes language to permit funds to be provided to community-based organizations.

Job training: In this Nation, we know all too well that unemployment wastes valuable human talent and potential, and ultimately weakens our economy. The bill before us today provides $5.4 billion for job training programs, $16.7 million over the 2000 level. Also included is $652.4 million, an increase of $19.2 million for Job Corps operations; $950 million for Adult training; and $1.6 billion for retraining dislocated workers. Also includes is $20 million for a new program to upgrade worker skills. These funds will help improve job skills and readjustment services for disadvantaged youth and adults.

Workplace safety: The bill provides $1.3 billion for worker protection programs, an increase of $90 million above the 2000 appropriation. While progress has been made in this area, there are still far too many work-related injuries and illnesses. The funds provided will continue the programs that inspect business and industry, assist employers in weeding out occupational hazards and protect workers' pay and pensions.

There are many other notable accomplishments in this bill, but for the sake of time, I mentioned just several of the key highlights, so that the Nation may grasp the scope and importance of this bill.

In closing, Mr. President, I again want to thank Senator HARKIN and his staff and the other Senators on the subcommittee for their cooperation in a very tough budget year.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri, Mr. BOND, is recognized to call up an amendment regarding community health centers.

Mr. BOND. Mr. President, there is another pending amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BOND. I ask unanimous consent that the amendment be set aside.

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

AMENDMENT NO. 3602

(Purpose: To increase funding for the consolidated health centers)

Mr. BOND. Mr. President, amendment No. 3602 is at the desk. I ask that it be called up for immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mr. HOLLINGS, Mr. COCHRAN, Mr. DASCHLE, Mr. HUTCHINSON, Mr. KENNEDY, Mr. DEWINE, Mrs. LINCOLN, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Ms. COLLINS, Mr. CRAIG, Mr. CRAPO, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAMS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROBB, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SMITH of Oregon, Ms. SNOWE, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BAYH, Mr. GRASSLEY, Mr. SARBANES, Mr. ROTH, Mr. HATCH, and Mr. CONRAD, proposes an amendment numbered 3602.

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

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

The amendment is as follows:

On page 23, line 23, strike ''4,522,424,000'' and replace with ''4,572,424,000''.

On page 92, between lines 4 and 5, insert the following:

SEC. . Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by $50,000,000.

Mr. BOND. Mr. President, I rise to offer what I think is a very important amendment to increase the funding this bill provides for a vital piece of our Nation's health care system—our community health centers.

This amendment, which I am very pleased to offer in conjunction with my colleague, Senator HOLLINGS of South Carolina, who has been a long-time supporter of community health centers—as was the late Senator from Rhode Island, the father of the distinguished occupant of the chair, who was a great champion of community health centers—along with a total of 58 cosponsors, would increase funding for community health centers by a total of $50 million for this coming year. That is a $50 million increase over that which is already included. The offset we use to fund this health center increase is a reduction in the departmental management fund for the Departments of Labor, Health and Human Services, and Education.

The managers of this bill, Senators SPECTER and HARKIN, clearly had a very difficult task in crafting this bill. There is a lot of money in it, but there are even more demands and requests for good things that this bill does. And they have to compete for the funds that, although they are significant, are still limited.

Despite the competing demands, the underlying bill has a $100 million increase for community health centers. I sincerely commend the chairman and the ranking member for their efforts to include this very needed increase in the funding for the CHCs. At the same time, I believe very strongly that adding an additional $50 million for health center funding is crucial to ensure that these vital health care providers have sufficient resources behind them to do everything they can to provide for the uninsured and medically underserved Americans.

All of us who have talked about health care know that the lack of access to care is perhaps the largest single health care problem that faces our Nation today.

Part of this problem is a lack of health insurance. About 44 million Americans are not covered by any type of health plan. But an equally serious part of the problem is that many people are simply unable to get access to a health care provider. Even if they have insurance, a young couple with a sick child is out of luck if they can't get in to see a pediatrician or other health care provider. In too many urban and rural communities around

the country, there just are not enough doctors to go around.

I urge my colleagues, if they have not done what I have done—and that is, to visit community health centers in their States—that they do so. You will be amazed and you will be very uplifted to see the work that is going on each and every day in these community health centers.

Community health centers in a center city, in the poorest neighborhoods, are reaching out and helping everyone—from the very young to the teenage mother perhaps with a child, or a teenager who is expecting a child, to the very elderly, who have difficulty getting around.

We see the same thing in rural areas, in some of the communities that are the hardest to access in our State. There are community health centers with dedicated physicians and nurses and health care professionals who are there to answer the health care needs of people who would have no chance of getting service were it not for the health centers.

These community health centers are truly the safety net of our health care system. For all of my colleagues, I trust they do know about these centers, but for other concerned citizens who may be watching, I suggest they find out about the community health centers in their area. What are they doing; are they serving people in need? I can tell my colleagues, based on the experience in my State, they are delivering the service to people who otherwise would not be served, were it not for these CHCs.

We all know there are problems with access to health care. There are many good ideas on additional steps we need to take. Some people want nationalized health care. Other people want new tax credits, subsidized health insurance. Others want to expand governmental health programs. Some people want to enhance insurance pooling arrangements. All of these have been proposed in an effort to make sure people have the health coverage and can get the care they need. As different and as diverse and as creative as many of these ideas are, they all have one thing in common: They are not going to be passed into law this year. All these wonderful ideas are going to come together. They are going to clash. We will look at them and talk about them, and we are going to refine them and argue about them and go down different roads. They are not going to pass this year. The breadth of the disagreement over these policy issues and the political complications of an election year make it totally unlikely that Congress will bring any of these new ideas to reality.

There is one thing we can still do this year, something we can pass into law that will make a big difference for many people who lack access to health care. What we can do is dramatically increase funding for community health centers and help them reach out to even more uninsured and underserved Americans.

Just for the technical background, health centers are private not-for-profit clinics that provide primary care, preventive health care services in thousands of medically underserved urban and rural communities around the country. Partially with the help of Federal grants, health care centers provide basic care for about 11 million people every year, 4 million of whom are uninsured. Health centers provide care for 7 million people who are minorities, 600,000 farm workers, close to 1 out of every 20 Americans, 1 out of every 12 rural residents, 1 out of every 6 low-income children, and 1 out of every 5 babies born to low-income families.

Despite this great work, there are millions of Americans who still cannot get access to health care. The demand for the type of care these centers provide simply exceeds the resources available. Today we can help change this. There are as many as 44 million who are not covered by a health plan. We are covering about 11 million. We need to do something to make sure we serve those additional people. We are building on a program that has proven itself to be effective.

This is probably the best health care bargain we can get because these not-for-profit centers leverage the Federal dollars that go into them. They collect insurance from those who are insured. They can collect Medicare or Medicaid. They are a vehicle for providing the service. The average cost per patient served by a community health center in my State is something like $350 a year. That is how much it costs them because of the other reimbursements and because of the efficiencies and economies of scale. That is less than $1 a day. Not too many plans can provide so much bang for the buck, so much important delivery of health care service. This is probably the first priority of all the health care problems we are facing, and there are many. We can do something that will have a real impact on access to care and the uninsured. It is the best thing we can do to expand that safety net and pursue the search for better health care.

There are a couple of key reasons why community health centers are so important. No. 1, these dollars build on an existing program that produces results. Unlike many other health care proposals that suggest radically new and untested ideas, health centers are known entities. They do an outstanding job. They are known, respected, and trusted in their communities.

Numerous independent studies, in addition to the observations of those of us who have traveled around to visit them, confirm that community health centers provide high quality care in an efficient and cost-effective manner. Health centers truly target the health care access problem. By definition, health centers must be located in medically underserved communities, which means places where people have serious problems getting access to health care. So health centers attack the problem right at its source—in the communities where those people live. Health centers are relatively cheap. Health centers can provide primary and preventive care for one person for less than $1 a day, $350 a year. That has to be one of the best health care bargains around.

This proposal is not a Government takeover of health care. Admittedly, this amendment calls for more Government spending, but unlike most other health care proposals, this funding would not go to create or expand a huge health care bureaucracy. This amendment would invest additional funds into private organizations which have consistently proven themselves to be efficient, high quality, cost-effective health care providers.

If this amendment succeeds, it will mean an overall increase in health center funding of $150 million. That level of increase will put us on a path to double health center funding over 5 years. As my colleagues know, this same goal, doubling funding over 5 years, is what we challenge ourselves to provide to the National Institutes of Health. Through these increased funds to health centers, we continue our support for the good work that goes on in health centers. As in NIH, we have increased funding for biomedical research that produces medical innovations and develops ways to save, improve, and prolong people's lives. I have supported those efforts. In fact, the underlying bill contains funding increases for NIH that will keep us on the track for doubling NIH funding over 5 years for this, the third straight year.

But as we expand the envelope for what is possible in the world of health care, we must also ensure that more Americans have access to the most basic level of primary care services, including regular checkups, immunizations, and prenatal care. If we are not reaching some Americans, it doesn't matter how much we put into health care research. It doesn't matter how many innovations we come up with. It doesn't matter how many new drugs or new procedures or new techniques we develop. If they don't have access to the basic health care system, it is not going to help them at all.

That is why I believe it is so important to set the same noble goal we have set for research, doubling funding over 5 years, and adopt it for community health centers as well. There is widespread bipartisan support for both this 5-year plan as well as for the first-year installment. Nineteen of my Senate colleagues cosponsored what I called the REACH initiative—a resolution calling on Congress to double health center funding over 5 years.

This resolution has since been made part of the congressional budget resolution that establishes our tax and

spending goals and priorities. Sixty-seven Senators joined in my initial request for the 1-year funding increase of $150 million. This amendment, which makes this 1-year increase a reality, has 57 cosponsors.

I am pleased to say that Gov. George W. Bush has publicly announced his support for funding increases for community health centers comparable to what this amendment would provide.

I thank my colleagues who have joined in these efforts for their support. I urge all of my Senate colleagues to support this amendment. A dramatic increase in community health center funding is one of the first and most important things Congress can do this year to truly help the uninsured and medically underserved Americans. Let us not waste the opportunity to make it happen.

I express my thanks to the chairman and ranking member of the committee.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I compliment our distinguished colleague from Missouri for offering this amendment and for his steadfast support over the years. I compliment my distinguished colleague, Senator BOND, for his continued support for community health centers. This has been a matter he has taken a special interest in and he has organized enormous support, with a letter having 67 signatories, 58 cosponsors, and reflecting a very broad consensus as to the importance of this program.

The program would add in the current fiscal year $1.187 billion for community health centers. The Appropriations Committee has increased funding by $100 million over fiscal year 2000. Senator BOND now wants an additional $50 million, with an offset from administrative expenses pro rata among the three Departments.

We are prepared to accept Senator BOND's amendment. This is always a matter of finding enough money and adjusting the priorities. There is no one among the 100 Senators who knows that better than Senator BOND, because he chairs the Appropriations Subcommittee on VA, HUD, and Independent Agencies. I think his subcommittee and this subcommittee have the toughest job in funding matters. But we agree there ought to be more money in community health centers to serve people in both rural and urban areas who are disadvantaged and do not have access to primary health care.

There is nothing more important than health, so we are going to accept the amendment. When we come to conference, we may have to modify the offset as to the administrative cost, but we will do our very best to maintain the funding in this important item.

One other comment. I commented yesterday that the President had issued a veto threat after the subcommittee reported out a bill, and Senator HARKIN had some words for the President, which I thought came better from the ranking member in the same party as the President. I made the point yesterday—and I think it is worth repeating today—about the priorities established by Members of Congress. We have contacts that the President does not have. There are 535 of us who fan out across America. Most of the Senators have fanned out already today, going back to their States to assess local needs.

The Constitution gives the Senate the authority for appropriations. Bills have to be signed by the President. But what Senator BOND has done is a good illustration of getting a broad consensus. That makes an impact upon the subcommittee when we look at our priorities. If 67 Senators sign a letter and 58 sign on as cosponsors, you wonder what happened to the other 9 in the interim. That is a very strong showing, and we intend to make that point when we do our best to honor the full $150 million increase and as we move down to have an assessment of our priorities versus the President's priorities.

Speaking for the majority, we are prepared to accept the amendment.

Mr. BOND. Mr. President, I thank my distinguished friend from Pennsylvania, the chairman of the committee. If he really wants us to get the rest of the 67, we will be happy to go about it. But I found the chairman and the ranking member so responsive to my persuasive arguments that I didn't think they needed any more weight on this. I sincerely appreciate the willingness of the chairman to accept this.

Mr. DEWINE. Mr. President, I rise today to express my support for increased funding for Community Health Centers. These health centers offer much-needed primary and preventative health care services to hundreds of medically underserved urban and rural communities across our country.

Currently, the Labor, Health and Education Appropriations bill before us would provide $100 million in Budget Year 2001 for these health centers. The amendment I have cosponsored with Senator BOND and Senator HOLLINGS would provide an additional $50 million, bringing the total investment to $150 million. This amendment, Mr. President, is very important. It deserves the Senate's support. There are millions of Americans who rely on Community Health Centers for their health care needs. We have an obligation to ensure that those necessary services are not interrupted due to a lack of sufficient federal funds.

The value of the services provided by these health centers becomes quite apparent when you consider that right now there are at least 44 million uninsured people in our nation; and of those 44 million people, Mr. President, 4 million of them receive health services from Community Health Centers. When you combine the uninsured with the under-insured, that total rises to 10 million—yes, Mr. President—10 million patients who look to these centers for health care.

In my own home state of Ohio, the Third Street Community Clinic in Mansfield and the Neighborhood Family Practice in Cleveland, for example, are just two of the 69 Community Health Centers that serve more than 200,000 Ohioans each year. In just the first three months of this year, Ohio's Community Health Centers medically treated more than 29,000 uninsured people, of whom more than 31 percent—nearly one-third—were children under 18 years of age.

These health centers provide critical health services to those who would otherwise not have access to health care providers. The centers offer prenatal care to uninsured or under-insured pregnant moms, and by doing so, are working to prevent undue adverse risks to the health of unborn babies. The health centers also provide immunizations so that young children can continue to be healthy, even those that live in medically underserved urban or rural areas.

And, in practical terms, by providing these and other types of primary and preventive care, Community Health Centers save Medicare and Medicaid dollars, because these services significantly reduce the need for hospital stays and emergency room visits.

The value of Community Health Centers should not be underestimated—nor should they be underfunded. The challenge we face today is that we have to make sure funding keeps pace with the growing numbers of Americans who will be in need of the health care services provided by these centers. To keep pace with this rapid growth, the overall budget for Community Health Centers will need to increase from $1 billion to $2 billion by Fiscal Year 2005. This $1 billion increase would enable the health centers to provide care to an additional six to ten million people.

Because of the pressing need to increase funding, I am also a cosponsor of Senator BOND's REACH Initiative, which is the ''Resolution to Expand Access to Community Health Care.'' This important Initiative would double the federal contribution for Community Health Centers over the next five years. And, the Bond/Hollings amendment to the Labor, Health, and Education Appropriations bill before us now would keep us on track of meeting this five-year plan by increasing this year's $100 million allocation to $150 million.

I commend my colleagues from Missouri and South Carolina for their amendment and for their tireless commitment to Community Health Centers. I urge the rest of my colleagues to support this important amendment.

Mr. HOLLINGS. Mr. President, It has been over 30 years since I set off on my hunger tour of South Carolina, where I observed first-hand the shocking condition of health care and nutritional habits in rural parts of my state. The good news is, we have come a long way since then. The bad news is, there is still much work to be done. Like the ''hunger myopia'' I described in my book

The Case Against Hunger, we suffer today from a sort of ''health care myopia'', a condition in which a booming economy and low unemployment rates mask a reality—that many Americans eke out a living in society's margins, and most of them lack health insurance. Ironically, as the stock market soars, so do the numbers of uninsured in our country, at a rate of more than 100,000 each month; 53 million Americans are expected to be uninsured by 2007.

The health care debate swirls around us, reaching fever pitch in Congress, where I have faith that we will soon reach an agreement on expanding coverage and other important issues. However, I see a need to immediately address the health care concerns of these left-behind and sometimes forgotten citizens. They cannot and should not have to wait for Congress to hammer out health care reform in order to receive the medical care so many of us take for granted. That's why I am sponsoring, along with Senator BOND, this amendment to provide an additional $50 million for health centers in this bill. Fifty-seven cosponsors have joined us in working toward our objective. I would like to thank subcommittee chairman Sen. SPECTER and ranking member Sen. HARKIN for their advocacy on behalf of community health centers. I look forward to working with them as the bill moves to conference so that we may ensure health centers across the nation receive the support they deserve.

While ideas about health care have changed dramatically, community health centers have remained steadfast in their mission, quietly serving their communities and doing a tremendous job. Last year, community health centers served 11 million Americans in decrepit inner-city neighborhoods as well as remote rural areas, 4.5 million of which were uninsured. It's no wonder these centers have won across-the-board, bipartisan support. They have a proven track record of providing no-nonsense, preventive and primary medical services at rock-bottom costs. They're the value retailers of the health care industry, if you will, treating a patient at a cost of less than $1.00 per day, or about $350 annually.

Let me emphasize that this measure is a cost-saving investment, not an increase in spending. Not only are these centers providing care at low costs, but they are saving precious health care dollars. An increased investment in health centers will mean fewer uninsured patients are forced to make costly emergency room visits to receive basic care and fewer will utilize hospitals' specialty and inpatient care resources. As a consequence, a major financial burden is lifted from traditional hospitals and government and private health plans. Every federal grant dollar invested in health centers saves $7 for Medicare, Medicaid and private insurance: $6 from lower use of specialty and inpatient care and $1 from reduced emergency room visits.

The value of community health centers can be measured in two other significant ways. First of all, the centers' focus on wellness and prevention, services largely unavailable to uninsured people, will lead to savings in treatment down the road. And secondly, health centers foster growth and development in their communities, shoring up the very people they serve. They generate over $14 billion in annual economic activity in some of the nation's most economically-depressed areas, employing 50,000 people and training thousands of health professionals and volunteers.

It should also be noted that community health centers are just that—community-based. They are not cookie cutter programs spun from the federal government wheel, but area-specific, locally-managed centers tailored to the unique needs of a community. They are governed by consumer boards composed of patients who utilize the center's services, as well as local business, civic and community leaders. In fact, it is stipulated that center clients make up at least 51% of board membership. This set-up not only ensures accountability to the local community and taxpayers, but keeps a constant check on each center's effectiveness in addressing community needs.

In South Carolina, community health centers have a long history of meeting the care requirements of the areas they serve. The Beaufort-Jasper Comprehensive Health Center in Ridgeland, the Franklin C. Fetter Family Health Center in Charleston, and Family Health Centers, Inc. in Orangeburg were among the first community health centers established in the nation. The Beaufort-Jasper Center was very innovative for its day, in the late 1960s, tackling not only health care needs, but related needs for clean water, indoor toilets and other sanitary services. Today, the number of South Carolina health centers has grown to 15. They currently provide more than 167,000 people, 38% of which are uninsured, with a wide range of primary care services. Yet despite the success story, a need to throw a wider net is obvious. Of the 3.8 million South Carolinians, nearly 600,000 have no form of health insurance. That means roughly 15% of the state population is uninsured. Another 600,000 residents are ''underinsured,'' meaning that they do not receive comprehensive health care coverage from their insurance plans and must pay out-of-pocket for a number of specialty services, procedures, tests and medications.

South Carolina's statistics are mirrored nationwide. The swelling ranks of the uninsured are outgrowing our present network of community health centers. Adopting this amendment will ensure the reach of community health centers expands to meet increasing demand. It is our responsibility to continue providing our neediest citizens with a basic health care safety net. What better way to do that than by building on a program with a record of positive, fiscally responsible results? Everyone can benefit and take pride in such a worthwhile investment.

Mr. KENNEDY. Mr. President, it is a privilege to be a sponsor of this important amendment to increase funding for community health centers. Each year, these centers provide quality health care to 11 million Americans in 3,000 rural and inner-city communities in all 50 states, including 4.5 million people who are uninsured. As the number of uninsured Americans across the country continues to grow, the need for the services is especially great.

Community health centers recently touched Juan Ramon Centeno's life in Worcester, Massachusetts. Mr. Centeno was 54 years old when a bilingual nurse working with Great Brook Valley Health Center arrived at the public housing project where he lived to conduct health screenings. Mr. Centeno felt ill, but because he did not have insurance or resources for medical care, he had not sought care. The nurse found that his blood pressure was high, he had risk factors for diabetes, and had not received preventive health care for many years.

Health center physicians promptly examined Mr. Centeno and found him at high risk for a cardiovascular accident. This timely intervention enabled Mr. Centeno to receive good health care and to be placed on medication through the health center pharmacy, which enables patients to obtain prescription drugs at the reduced prices available under Medicaid.

Day in and day out, community health centers are providing life-saving services like these. Yet too often, the centers are struggling to obtain the resources they need. In Massachusetts, over a dozen community health centers currently face severe financial difficulties. Congress cut Medicare reimbursement rates for the centers in 1997, in spite of the fact that the number of people eligible for their services continues to rise. The result for many health centers has been bankruptcy, low morale among the health care professionals who are dedicated to serving the poor, and great concern in the communities that this needed access to health care will be lost. It is unacceptable for Congress to permit health centers that have proved so effective for so many years to suffer such severe financial difficulties, particularly in this time of prosperity.

The Senate made a wise commitment to double the funding over the next five years for medical research at the National Institutes of Health, and it has kept that commitment. By making a similar commitment to double the funding for community health centers—ten percent of the cost of the commitment we made to medical research—we can ensure that the benefits of modern medicine will remain available to millions of low-income working families. The Senate is at its best when it approves amendments like this one

on a bipartisan basis. I intend to do all I can to see that this year's final appropriations bill, and future appropriations bills, maintain our commitment to the extraordinary work of the nation's community health centers.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, this side has no objection to the amendment. In fact, we wholeheartedly support the amendment. I compliment the Senator from Missouri for his leadership, and I also compliment Senator HOLLINGS on this issue.

Community health centers are really the last sort of backstop for so many people in this country who don't have health insurance—44 million people in America don't have health insurance. Mainly, these are the ones who, right now, for their health needs really need the community health centers. We have about seven in our State of Iowa. We are opening another one this summer. About 66,000 people are served per year in the State of Iowa by our community health centers.

The really good thing—and the Senator from Missouri knows it—about community health centers is they are engaged in preventive health care, keeping people healthy in the first place, not just coming in when they are sick. They do a lot of outreach work with low-income people. They help with their diets, lifestyles, and with the medicines they need to keep them healthy. That is one of the great services they provide.

We increased the funding for community health centers over last year by $100 million. This would add another $50 million on to it. The need is actually even more than that, but as the Senator from Missouri knows, we have all these things we need to balance in the bill. This is a welcome addition to our community health centers.

Again, I compliment the Senator from Missouri for his leadership. We happily accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 3602) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I will soon suggest the absence of a quorum. I want Senators to know that we are open for business and for taking amendments. Senator SPECTER and I are willing to sit here and take amendments this morning. If Senators have amendments and they are around, please come. As you can see, the floor is wide open. You won't have a waiting line and you can speak for as long as you want. This is the time to come and offer amendments on this bill.

With that, 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. L. CHAFEE. 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. L. CHAFEE. Mr. President, I ask unanimous consent to speak as in morning business.

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

THE MEDICARE OUTPATIENT DRUG ACT

Mr. L. CHAFEE. Mr. President, as many of you know, I joined Senators GRAHAM, ROBB, BRYAN, and others in introducing S. 2758, the Medicare Outpatient Drug Act of 2000 this past Tuesday.

While I strongly support S. 2758 and urge my colleagues to support it, I was very troubled by the process in this Chamber last night. We talk a good game about wanting to pass legislation on a bipartisan basis. In fact, at a Centrist Coalition meeting earlier this week, many Senators from both sides of the aisle—led by the minority leader—were talking about how the two parties should be working together to produce a prescription drug bill for our Nation's seniors.

However, the prescription drug amendment that we debated and voted on last night proved otherwise. It suggested that all the talk about bipartisanship is merely a facade. It was clear from the procedural wrangling that led to the vote on the Robb amendment that there is no intention by the Democratic leadership to work together to fashion a bipartisan compromise on a Medicare prescription drug bill.

In fact, it is my understanding that minority leader told others not to let me—one of the author's of this bill—know about this motion ahead of time. That doesn't sound very bipartisan to me.

Sadly, the amendment last night really undermines our ability to work toward a compromise to add a prescription drug benefit to Medicare. If we were really interested in producing a bipartisan bill that could be signed into law, we would be working together on a proposal rather than filing motions such as the one last night, which was destined to go down to partisan defeat.

I had high hopes when I stood with Senators GRAHAM, ROBB, BRYAN, and others on Tuesday and we announced the introduction of our Medicare Outpatient Drug Act. I had hopes that we would be able to work this bill through the legislative process, give this bill an airing at the Finance Committee, and work with Republicans and Democrats alike to fine-tune it into a product that the President could sign into law.

I think most of us here would agree it is time to update the Medicare program to include a prescription drug benefit. I hear about this issue back in Rhode Island more than any other issue. The senior population in Rhode Island is the second largest in the Nation—second only to Florida. The seniors in my State constantly approach me about the high cost of their prescription drug bills. I expect most of us hear more about this issue from our constituents than any other.

However, filing procedural motions that are doomed to failure is not the way to achieve this important goal. I am afraid that some on the opposite side of the aisle aren't really interested in passing a Medicare prescription drug bill this year—they would rather that we do nothing and use this issue to try to defeat some of us in the fall.

Let's not hold the 39 million Medicare recipients in this country hostage to partisan politics.

I believe the legislation I introduced with Senators GRAHAM, ROBB, BRYAN, and others is one of the most responsible and comprehensive drug bills in Congress. And, more important, it would help relieve seniors of the growing burden of high prescription drug bills.

However, while I support this legislation and regretfully voted in support of the Robb amendment last night because I am committed to passing a good prescription drug bill to help our Nation's seniors, I do not believe the exercise last night was constructive. Sadly, it was quite the opposite.

I thank the Chair.

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

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

THE DEPARTMENTS OF LABOR, HEALTH, AND HUMAN SERVICES AND RELATED AGENCIES APPROPRIATIONS, 2001—Continued

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am going to be offering an amendment to the pending appropriations bill that I want to talk about this morning.

I commend the chairman, Senator SPECTER, and the ranking member, Senator HARKIN, for their work to increase funding for the National Institutes of Health. As all of us know, Congress is on track toward doubling the funding for important health research and investigation through the NIH. That is critically important to this country.

I am one of those who has been supportive of doubling the funding for the National Institutes of Health. The NIH is trying to unlock the mystery of many of the diseases that ravage the

bodies of people who are suffering from Parkinson's disease, cancer, heart disease, and so many other diseases that afflict the American people and people around the globe. The type of research that is taking place at the National Institutes of Health is exciting and vibrant and paying big dividends.

I thought I would mention, as I start, something I saw one day at the NIH called the healing garden. This was an exhibit out at the NIH campus where they had a series of plants growing in this aquarium-like device called the healing garden. I asked the folks at NIH for an explanation, and they told me about it.

They said a lot of people think modern medicines, especially the medicines that are developed through research at NIH to respond to the challenges of treating diseases, come from chemicals. But they told me that a lot of medicines come from natural substances we find all over the Earth. They were displaying some of those substances in this healing garden.

I want to describe a couple of the things they were displaying because it is interesting. NIH is gathering from around the world 50,000 to 60,000 different species of plants, shrubs, and trees and testing and evaluating what kind of properties they have to heal and treat diseases.

The common aspirin comes from the bark of a willow tree. The Chinese knew that a couple of thousand years ago. If they had a headache, they would chew the bark of a willow tree. In modern medicine, aspirin is a chemical modification of that active ingredient derived from willow tree bark. Now aspirin is produced chemically, but the bark of the willow tree was the derivative.

The java devil pepper was in the healing garden. Drugs used to treat hypertension, or high blood pressure, which were used formerly as a tranquilizer, come from the java devil pepper. Who would have guessed this connection if not for the research by the scientists who discovered it?

Agents that fight tumors, leukemias or lymphomas, come from the plant called the mayapple.

The rose periwinkle produces drugs used as anticancer agents primarily in treating Hodgkin's disease and a variety of lymphomas and leukemias.

Foxglove is used in the medications digitalis and digitoxin, which are used to treat congestive heart failure and other cardiac disorders.

Of course, we all know about aloe, an active ingredient, of course, in skin care preparations.

It is interesting that, as funding has increased for studying plants and animals, scientists at the NIH are finding quite remarkable things. Deep in the Amazon rain forest lives a frog that has a deadly toxin on its skin. They believe that from studying the toxin of that frog, they can create a painkiller that is 200 times more powerful than morphine and not addictive. Think of that: 200 times more powerful than morphine and not addictive.

There is another frog which is very rare that has a toxin on its skin that is so deadly that a drop of it on the skin of a human being causes the heart to stop.

The scientists asked the question: If there is something this powerful that it causes a human heart to stop, can we unleash the power of that toxin to do something positive?

That is the kind of evaluation and study that is occurring at the NIH routinely.

As we double the funding for the National Institutes of Health, there are all of these wonderful scientists and researchers doing this massive amount of research—research to decode the human genome, research to grow new heart valves around parts of the heart muscle that are clogged, deep brain research to uncover the secrets of Parkinson's disease.

As all of this research occurs through the doubling of funding at NIH, we should say thanks to Senator HARKIN and Senator SPECTER for their leadership and commitment over several years to move this Congress to invest in these efforts that are so important to this country's future.

Now, let me go from that compliment to talking about how this research is dispersed across this country. There is a trend for how this research funding is allocated throughout the country that is very similar to what happens in other areas of the federal Government's research budget. The research that comes through the billions and billions of dollars that we spend—nearly $20 billion proposed for fiscal year 2001 at the NIH alone —has historically been clustered in a few areas of the country. In most cases, big universities get big grants that make them bigger, and from around those universities, you see the development of businesses springing up from that research. You will see the result of NIH research in a few areas of the country producing very significant opportunities. Then you will see other significant parts of America with almost no research base through the NIH.

Should research be done where it is done best? Yes, of course. But the largest universities in this country, in a handful of States, get most of the research dollars in part because the grants are peer reviewed by people from the same institutions that get the grants in the first place. It becomes a self-fulfilling prophecy.

The chart I have here shows the way NIH funding is currently distribution across the country. If you look at the States in this country shown in the white shaded areas—mostly in the middle of the country—you will see that these States get very little funding for medical research.

The States shown in the blue and red areas—California, Texas, New York, Massachusetts, and so on—are the States that get most of the research grants.

This pie graph here shows what happens as a result of this imbalance. As you can see, three States get 35 percent of all of the medical research funds provided by the NIH. Institutions in three States get over a third of all the Federal dollars on medical research. In fact, one state alone received 15 percent of total NIH funds.

This little white slice shown on the chart represents 21 States that share only 3 percent of the research.

Why does that matter? If you live in one of these States, and you have Parkinson's disease, or you have breast cancer, or you have any one of a number of very serious health problems, and you want to participate in the cutting-edge medical research conducted by the NIH through one of its grantees, you may well have to travel hundreds and hundreds or perhaps thousands of miles to avail yourself of the clinical trials.

Second, there are wonderful institutions in the middle part of America that have the capability to provide unique and beneficial research on a range of issues ranging from cancer, to heart disease, to diabetes, and more through the funds we are providing at NIH. But they do not get the opportunity because the system is stacked against them.

At the NIH, we have a program called IDeA, or the Institutional Development Award program, that is intended to rectify this geographical inequity by helping historically under funded states to build their medical research capacity. IDeA is very similar to the EPSCoR program that exists in other federal agencies.

This program is under funded at NIH. The IDeA program is funded at the level of $100 million in the House-passed bill, which I think is too low. But it is funded at only $60 million here. That is an increase from $40 million to $60 million, and for that, I appreciate the efforts of Senators SPECTER and. But we ought to at least meet the House level. And we ought to do even more.

My amendment will take our proposed funding to the level of $100 million in the House bill. Through this amendment, we will simply say that we want to encourage the distribution of research across this country to all of the centers of genius—no matter where they are—that exist.

In States such as North Dakota, Iowa, South Dakota, and up and down the farm belt, we are losing a lot of population. This map shows that. All these red blotches on this map indicate counties that have lost more than 10 percent of their population.

What you see is that the middle part of our country is being systematically depopulated. Why has that happened? Why, when you have so many people living on top of each other in apartment buildings in big cities and fighting through traffic jams just to get to and from work each day, is the middle part of our country being depopulated?

At least part of the answer to that question relates back to what we do at the Federal level. We say that $20 billion will be made available through the National Institutes of Health to form centers of excellence for scientific research in medicine. We move that money to specific areas of the country where there is already a significant population, and from that springs economic opportunity and biotechnology companies and new jobs. We simply exacerbate all of these problems with the way we spend our money at the Federal Government.

There are centers of genius in the middle part of this country, in Minnesota and North Dakota and South Dakota and Kansas and Oklahoma. There are small centers of excellence that could do wonderful scientific research, but they do not get the funding. Why? Because the biggest States get all the money. Three States get a third of all the money through the NIH.

I am not suggesting that anything illegal is going on. It is just that we have a system that perpetuates itself and creates a circumstance where three States get fully one-third of the billions of dollars we provide for medical research and 21 other States are left to share 3 percent of the medical research. And that predicts and predetermines where the centers of excellence will be in the future.

It also, in my judgment, is unfair to all of those folks who live so far away from the biggest centers, where most of the money is moving to, because it is not going to be very easy for them to be involved in clinical trials for such things as their breast cancer, their lymphoma. They are going to have difficulty getting cutting-edge medical therapies.

That ought not be the case. I want to change that. I am hoping, with the cooperation of Senator SPECTER and Senator HARKIN, and with a new determination in the House and the Senate, that we can come to an understanding that, as we double the funding for the NIH, we can also do much better for this program at NIH called IDeA. Again, this program lets us reach out and find ways to use NIH funding all across this country, to get the best of what everyone in this country has to offer, to find all the centers of excellence that exist everywhere, and have them come to bear on research and inquiry. I am convinced that this represents our best chance to try to find ways to cure some of these diseases that ravage people who live in this country and the rest of the world.

We are making a lot of progress. With this amendment, I do not mean in any way to suggest we are not making great strides. Doubling the NIH budget is a terrific thing to do. It will produce enormous rewards for all who live in this country and those who will come after us. But it is also the case that we must do better in the distribution of this research money if we are going to be able to have access to all the best minds this country has to offer. That is the purpose of my amendment.

Mr. President, I yield the floor 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. SPECTER. 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. SPECTER. Mr. President, I believe the amendment offered by the distinguished Senator from North Dakota is a meritorious amendment on institutional development within the National Institutes of Health. We have a figure of $60 million there as part of $2.7 billion.

The subcommittee and the full committee have been very—aggressive, is the right word—to increase NIH funding. We did it at $2.7 billion in this bill. We had $2.2 billion last year, $2 billion the year before, a billion before that. I agree totally with the thrust of what the Senator wants to accomplish.

When we sit down with the House in conference, there is always a lot of give-and-take with a bill that is at $104.5 billion. It would be my intention to do what we can to reach the figure of $100 million, which is what the Senator wants, because I think that is the right figure. What I suggest is that the Senator give Senator HARKIN and me and the other conferees the flexibility to negotiate. There is a lot of give-and-take.

For those watching on C-SPAN, the process is, after we pass our bill, we go to a conference with the House, which has passed a bill. Then we sit down with long sheets and go over all the points and try to reach a compromise. To have that flexibility would be helpful. I know there are a number of programs the Senator from North Dakota would like to stay at the Senate figure, as opposed to the House figure which may be lower. If we could reach that accommodation, I believe we would obtain the objectives which the Senator from North Dakota wants, to give the conferees that flexibility to assert the Senate position on other matters.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Senator from Pennsylvania is alluding to the analogy of the legislative process being akin to the making of sausage. Often, neither are a pretty process, so it is better, perhaps, to speak less of it. I say to the Senator from Pennsylvania that I am more concerned about the destination than I am about the route by which we get there.

He has indicated that he supports the $100 million level in the House bill for the IDeA program. Senator HARKIN has indicated the same. For that reason, I will not proceed with my amendment, with the understanding that their intention will be to reach that level in conference.

My sense is that we are making a lot of progress. Before the Senator was in the Chamber a few moments ago, I said he and Senator HARKIN will have the undying gratitude of the American people for their persistence and relentless work to increase funding at NIH. This is very important, not just for people who live here now but for generations to come.

My concern, as we do that, is to make sure we get the full genius of all the American people working on these scientific inquiries into treating and curing these ravaging diseases. I want more funding in the IDeA program so that smaller States have the opportunity to access these grants and we can put to work their scientists and their medical schools and their communities to meet our nation's medical research goals.

I appreciate my colleague's response.

I will not ask for a vote on my amendment. What I will do is ask that we handle it in conference, as the Senator has suggested.

Mr. SPECTER. Mr. President, I thank the Senator from North Dakota for his comments about what Senator HARKIN and I are trying to do—and, really, it is the whole committee and the full Senate. We will, I think, accomplish what he is looking for—the $100 million—in the final analysis. I think the old saying that you don't want to see either sausage or legislation made may have some merit. I think when we deal with our national health, we are dealing with ''prime rib.'' We will make some tasty morsels here for the benefit of America, I think.

Mr. President, in the absence of any other Senator in the Chamber, 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

NO APOLOGY NECESSARY

Mr. DORGAN. Mr. President, earlier this morning a Member of the Senate described the circumstances on the floor of the Senate yesterday with respect to a vote on the issue of a prescription drug benefit for Medicare. Yes, there was a vote on that issue. I want to describe why that motion was offered and the importance of it.

I also want to say that, while I certainly have the greatest respect for my colleague, this was not a circumstance where the minority leader or anyone else intended to surprise anybody. When the minority leader or any other

Senator is pursuing an agenda he believes is important for our country, he does not go desk to desk in the Chamber asking permission from anyone else to offer an amendment. That is not the way the Senate works, of course.

The minority leader believes very strongly, as does almost every single member of this caucus, and perhaps some others in the Senate, that we need to add a prescription drug benefit to the Medicare program. Life-saving miracle drugs can only perform miracles for those who can afford them. Senior citizens all too often are choosing between groceries and the prescription drugs they need. If we were to create the Medicare program today, unquestionably we would have a prescription drug benefit in that plan.

We have been very relentless in saying we believe we must add a prescription drug benefit to the Medicare program and we should do it in this Congress. We cannot and will not apologize for being relentless in that pursuit. We have had very few opportunities on the floor of this Senate to pursue our agenda. Yesterday was one of them.

If, at the end of the day, we get a bipartisan agreement to add a prescription drug benefit to the Medicare program, then we will be rewarded for our success by the senior citizens in this country who will be able to have access to the prescription drugs they need. If, at the end of the day, we do that, I guarantee that it will only be because, for the last couple of years, we have been relentless on the floor of the Senate and in the House, saying this Congress must do this.

We have had others who say, yes, we agree about the need for a prescription drug benefit, but we want to have the private insurance companies write a plan, and so on and so forth. The fact is that the private insurance companies have said publicly, and they have come to my office and said repeatedly, ''We will not write a plan; we cannot write a plan.'' It is not within the range of financial possibilities for us to do what the majority party is proposing. In fact, one company official said, ''We will write a plan that has $1,000 in benefits, and we would have to charge $1,200 in premiums for the plan to cover the administrative and other costs of the benefit.'' That is the same as having no plan, the same as doing nothing in terms of adding prescription drug coverage to Medicare.

Our goal is to find a way to solve this problem in this Congress. This Congress, with all due respect, on some of the big issues, has been a Congress of underachievers. We can do a lot better than this. We can add a prescription drug benefit to Medicare. We can pass a campaign finance reform bill. We can pass a Patients' Bill of Rights. We can pass an education bill that reduces class size and helps rebuild and renovate some of our nation's dilapidated schools. We can do these things if we put our minds to it. But somehow there is this notion by at least those who control the agenda that what we need to do is tuck in our wings and get out of town and do as little as possible.

I don't want to belong to a Congress of underachievers. I want our Congress to do the things we ought to be doing together. Yes, a prescription drugs benefit in Medicare is one of those items. We cannot apologize for what we did yesterday. We must, at every opportunity, continue to push and coax and pull those in the Chamber who don't really want to do this to join us and fix what is wrong with respect to this Medicare program.

What is wrong, in part, is that it doesn't have coverage for prescription drugs, and there are a lot of senior citizens who are prescribed medications that will allow them to live longer and healthier lives, and they discover they can't afford them.

A woman in Dickinson, ND, who had breast cancer was told by her doctor that in order to reduce the chances of a recurrence of her breast cancer, she must take this prescription medicine. This woman, who was on Medicare and had a small fixed income, said, ''Doctor, there isn't any way I can afford that medicine. There is no way. I am just going to have to take my chances.'' This situation faces too many senior citizens who need prescription medicine and find that they cannot afford it. That is why we must put a prescription drug benefit in the Medicare program.

Let's do something at the same time that puts some downward pressure on drug prices. Prices have risen too fast and too far on prescription drugs.

I just want to say that no one crossed any lines by not going to every desk in the Chamber about that motion yesterday. We are going to keep trying until we get enough votes in the Senate to add a prescription drug benefit in the Medicare plan. It is for a good reason. This country needs that sort of policy in place right now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I ask unanimous consent that I may speak as in morning business for a time not to exceed 20 minutes.

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

TWENTY YEARS OF CONGRESSIONAL SERVICE BY DAVID GARMAN

Mr. MURKOWSKI. Mr. President, I have come to the Senate floor today to offer my congratulations and thanks to my Chief of Staff, David Kline Garman, who has dedicated his entire life to public service. Today, in fact, marks the 20th anniversary of David's service in the United States Senate.

David's public service career began even before he came to the Senate. While attending Duke University in the 1970s, he participated in Naval ROTC and during the summer of 1976 he served with the naval amphibious task force which rescued American Nationals from Beirut during the Civil War in Lebanon.

After graduating with Honors from Duke in 1979, he served in the Peace Corps working on rural water supply projects in Nepal. He came to the Senate on June 23, 1980 to work as an intern with Senator Richard Dick'' Stone (D-Florida), beginning in the Senator's mail room and working his way up to assist on defense, finance, banking and energy issues.

After David attended the Democratic Convention in 1980, he began to reconsider his political affiliation and on the day Ronald Reagan was inaugurated in 1981, David joined my staff to serve as Legislative Aide on defense and foreign relations. He was soon promoted to Legislative Assistant for energy and natural resources.

In addition to his legislative expertise, David is extremely knowledgeable in the nuts and bolts of high technology. In the late 1980s he became Founding Coordinator for the U.S. Senate Microcomputer Users Group. This group was instrumental in changing Senate technology policy so that each office could decide what type of computer system it would utilize. Previously, Senate offices could only use a system selected by the Senate Computer Center.

David's broad range of intellectual interests led me to select him to join the staff of the Senate Select Committee on Intelligence when I was a Member of the Committee. He played a key role in the development of ''environmental intelligence'' capabilities in the intelligence community and at the national laboratories.

Some of David's best work occurred when he joined the staff of the Senate Energy and Natural Resources Committee. He was responsible for environmental issues, including the Clean Air Act, Global Climate Change Policy, energy R&D and Arctic Research, Science and Technology policy.

While David worked incredibly long hours on highly technical policy issues at the Energy Committee, he went to school at night and in 1997 earned a Master of Science in Environmental Sciences at Johns Hopkins University. That I consider a very noteworthy achievement.

Despite his many hours of work and study, David did find the time to meet a beautiful woman, Kira Finkler, and her lovely daughter Bonnie. Kira, who works on the Minority staff of the Energy and Natural Resources Committee did not allow energy policy differences to stand in the way of their relationsip. They were married in December of 1998.

By this time, I had asked David to move from the Energy Committee and become my Chief of Staff. And as all Senators know, this is about the hardest job there is in a Senate office, because it is the Chief of Staff who has to get the trains to run on time. David does a superb job and I am deeply

grateful to him for how well he does his job.

I encourage his friends to join me in celebrating and recognizing this 20th anniversary.

As anyone can tell, David is a highly versatile and intelligent person who can handle almost any responsibility given to him. There are few people I know who are as capable as David. In addition to all of his substantive knowledge, David is a superb, outstanding speech writer, although he didn't write this speech. Some of the best speeches I have given were written by David.

Mr. President, there is a huge turnover of the staff on Capitol Hill. That reflects the long hours, modest pay and economically rewarding opportunities available in Washington's private sector. It is rare to find such an incredibly dedicated public policy servant as David Garman and I salute him today for 20 extraordinary years of service in the Senate and to the American people.

GAS PRICES AND GAS TAXES

Mr. MURKOWSKI. Mr. President, I rise to talk a little bit about a topic that is in the newspapers today and that has been all week; that is, the crisis concerning energy and our gasoline price structure currently prevalent throughout the country.

I think it is fair to go back and evaluate what has happened over the last 8 years in the Clinton/Gore administration.

I think it is obvious to all that the answer to our energy shortage by the Clinton administration is pretty much to put our economic destiny in the hands of the foreign oil price-fixing cartel because their answer to the shortage has been to increase oil imports and decrease domestic production.

The first time we saw this crisis coming was a few months ago. The reaction of the administration was to send the Secretary of Energy, Secretary Richardson, almost with a tin cup, to beg OPEC to increase their oil production. That was the answer.

The success of that effort is somewhat limited when you recognize that there is more pressure throughout the world to utilize oil. A consequence of that, of course, is the realization that the Asian economy is coming back, which is putting more pressure for oil in that part of the world. We found our reserves substantially lower as a consequence of the cold winter and an inadequate supply of heating oil. While we had this situation developing, it was quite evident what was going to happen behind the supply and demand curve. The demand was greater than the supply. We were pulling down our reserves faster than we were replacing them.

It is kind of interesting to see the ''blame game'' that is going on in Washington.

The administration is blaming the price increase on the oil companies, and on the refiners—on anyone but themselves; on anyone other than recognizing that the Clinton/Gore administration has not really had an energy policy that has been identifiable.

The first graphic explanation is going back to a time a few years ago when the Vice President came to the Chamber and broke a tie vote to establish a 4.3 cent-per-gallon gas tax. That, I think, can certainly be reflected on as the ''Gore gas tax.''

Following that, we saw a series of activities by the administration that hardly would relieve the coming shortage that was evident, even at that time.

The administration has taken vast areas of the Rocky Mountain overthrust belt off limits to energy exploration. These are areas where there is a high potential for oil and gas discoveries—Colorado, Wyoming, and Montana. And other States were simply taken off limits. It is estimated that 64 percent of those areas have been removed.

There are areas in the Continental Shelf that they put off limits to energy exploration.

Furthermore, the Vice President, in a statement made in Louisiana, stated that if he were elected President, he would pursue a policy of no more leases if anyone even attempted to thwart existing leases that have been issued.

During that timeframe, the administration vetoed legislation to open up the small sliver of the Arctic Coastal Plain where reserves had been estimated as high as 16 billion barrels. That is just in my State of Alaska. It is estimated that if indeed the potential reserves were there, it would replace our current imports from Saudi Arabia over a period of 30 years.

Further, the administration has put domestic energy reserves off limits through a unilateral designation of new national monuments under the Antiquities Act.

It is a pretty simple equation. Domestic production is down 17 percent, and imports are up 14 percent.

We talk about rising gasoline prices in various areas of the country. We have talked about the refineries, and why they can't address this and continue with an uninterrupted supply at a relatively low price.

What the administration doesn't tell you is the reality—that the Environmental Protection Agency, through mandates, has caused a significant increase associated with the mandate for reformulated gasoline.

Who pays the price associated for this reformulated gasoline?

Why is it so high?

It is kind of interesting. When you go through the State of Illinois and the State of Wisconsin, you are made aware that as of June 1 there was a mandate by the Environmental Protection Agency that reformulated gasoline containing ethanol replacing MTBE be established. That costs roughly 50 cents more a gallon. You cannot use the same gasoline in Springfield, IL, that you would use in Chicago, IL, because of the policies of the EPA.

I am not going to debate the merits of the regulation. But I will debate the reality that these regulations cost money because they require customizing, if you will, of the gasoline and the refining process.

It is kind of interesting to also note that we have lost 36 refineries in this country in the last decade. They haven't built a new refinery in almost 25 years. Why not? Obviously, it is not a very attractive business to get into, or the oil companies would be moving into it. They are moving out of them. The reason: It takes decades; in some cases not that long, but several years to get permits. The permitting process is legitimate. But if you can't basically get there from here, you are going to have very little interest in pursuing refineries.

I think it is fair to say that the administration's overzealous policies are responsible for closing some 36 regional refineries. The fact that no new ones have opened during the 8 years under the Clinton/Gore administration is a valid, understandable, legitimate reason as to why we are seeing gasoline prices in regional areas mandated by new policies from EPA prevail. The Vice President can try to shift the blame to the oil companies for higher prices, but let's not forget that he personally cast the tie-breaking vote in the Senate for higher gasoline prices.

To attempt to counteract that, we have a firm policy that is introduced in legislation which is the Republican energy production proposal for the year 2000. We recognize what has happened in this country. Today, the average price of gasoline is $1.68 per gallon. In the Midwest, the average is $1.87. The only way to address this responsibly is through a series of incentives that not only stimulate domestic production by opening up the overthrust belt, by opening up areas in the coastal OCS area, opening up areas in the arctic where we are likely to find significant discoveries, but have a goal in the legislation. The goal is to reduce dependence upon imports to less than 50 percent in a 10-year period of time. In the Vice President's book ''Earth in the Balance,'' on page 73, he identifies ''higher taxes on fossil fuels . . . is one of the logical first steps in changing our policy in a manner consistent with a more responsible approach to the environment''; that is, taxing higher fuels to discourage people from using fuels.

He further says it ought to be possible to establish a coordinated global program to accomplish the strategic goal of completely eliminating the internal combustion engine over, say, a 25-year period. The implications of that, of the Vice President encouraging high costs to address perhaps the elimination of the internal combustion engine, or his belief, if indeed it is his belief, that higher taxes on fossil fuel is

one of the first steps in changing our policies, certainly is occurring.

However, let's be realistic and recognize in this country our transportation system depends on oil. Don't expect modest OPEC increases to bring prices down at the pump. As we have seen in this last announcement by an increase in OPEC of 700,000 barrels a day, the market sophistication has already made a judgment. The judgment is that prices are going to continue to rise. Right after this announcement, west Texas medium crude rose 72 cents Wednesday on the New York Mercantile Exchange, up an additional 28 cents by the afternoon, where contracts for August delivery were $31.65 a barrel. Last year at this time, oil was selling for about $12 to $14 a barrel.

If there are those who were misled by the assumption that energy was going to substantially be increased by this OPEC announcement, remember that 700,000 barrels a day does not come to the United States alone. Our share of that is 15 percent. That is only 109,000 barrels a day. In the District of Columbia, we consume 121,000 barrels a day, to give a comparison. The last OPEC production increase in March, which was to produce a 1.7 million-barrel increase, may have yielded roughly 500,000 barrels due to cheating on production overquota.

As we look to the future, it is amusing to recognize that the administration has now come out with what it referred to as a detailed blueprint for congressional action. Mind you, they are asking, now, for congressional action. The President has called on Congress to pass a proposal to encourage more stripper well production.

First, we don't have a proposal. There is no legislation set up. We have in the Republican package, a proposal to increase stripper well production. But now the President is saying we need to get some of these American wells back in operation.

Where has he been? We have been trying to encourage the administration to support legislation that would put in place a foreign ceiling. They have not proposed any. And now he is saying he has a program. Where is it, Mr. President? He says we need to get some of these things back in operation.

He further states that Congress is not reauthorizing Strategic Petroleum Reserve. He went into the Strategic Petroleum Reserve the other day as a consequence of an accident on the Mississippi River to keep refinery production going. He didn't ask us for authority. He has the authority. He knows he has the authority. This is another smokescreen.

We look at his concern over the supply in the Northeast corridor this coming winter. What has he done about the supply to increase it? Absolutely nothing. He has no plan, no proposal, no increased production. The President or the Vice President or his advisers simply do not understand the reality that this is a supply and demand issue. Unless we increase the supply, we are going to have shortages. That is evident by what we are seeing in the paper. We have $2.33, $2.40, and $2.49 a gallon for gasoline in this country. This particular headline suggests that the gas price rise shakes Democrats. The reason it shakes the Democrats, and the reason this is a partisan issue, is because the Democrats and the administration simply have no plan and have not had a plan associated with the energy shortage that is occurring in this country today.

As I come to the Senate floor today to address this matter and reflect on how we are going to correct it, the simple response is that we are going to have to increase our supplies, and we will have to do it dramatically and in a timely manner. If we don't do that, we are going to continue to see an increase in the price of oil, and an increased dependence on imports. One of the frustrating things about the continued dependence on imports is from where those imports are coming.

Last year, we imported about 300,000 barrels of crude oil from Iraq. This year we are importing about 750,000 barrels from Iraq. A lot of people perhaps have forgotten we fought a war over there in 1991 and 1992. We lost 147 lives. We had roughly 427 wounded, 23 were taken prisoner.

Today, what we are doing, and this is where I am critical of our foreign policy, for all practical purposes, we are buying his oil, sending him our dollars, taking his oil, putting it in our airplanes, and going over and bombing. What kind of a foreign policy is that? It is just about that simple. Not very complex.

He is making a press release every time we bomb saying, here is how many people Americans killed in my country. He waves that around and generates more support. The dollars we are paying go to the Republican Guards for his safety and protection. And he is smuggling oil out, in addition to that which is under the auspices of the United Nations. What is he doing with the generation of funds from the smuggling of the oil? He is building up his arsenal, his capability with missiles, his capability with the biological weaponry. Here is a very bad man out there. And we are supporting his regime because we are becoming more dependent on him as a source of oil.

What does that do to strengthening stability in the Middle East? It is pretty hard to say, but it certainly represents a threat against Israel. It is well known, the disposition of Iraq and Saddam Hussein relative to the threat against Israel and the peace we all hope will come to the Middle East.

I could go on at great length. I see other Senators desiring to discuss various matters. It is my intention as chairman of the Energy and Natural Resources Committee to put together in this next week a chronology of certain portions of our negative exposure, if you will. One is on gasoline prices, one is on refinery operations, one is on the availability and continued uninterrupted supply of natural gas.

The other is the delivery system within our electric power industry and our transmission grids. It is appropriate we start preparing ourselves for a train wreck that is going to come. We are seeing it in gasoline prices as a consequence of shortage of crude oil. We are going to see it spread, as we see in the northeastern part of the Nation which is so dependent on oil for the generation of electricity, as the summer warms up.

Last year they were paying $10 and $11 a barrel for oil. This year they are going to be paying over $30. The electrical rates in the Northeast corridor are going to go up dramatically. They thought they had higher rates for fuel oil last year. They have not seen anything yet. We are going to have brownouts this year because the capacity of the transmission lines, for all practical purposes, is just about at their maximum in certain areas.

Why haven't we built more transmission lines? FERC has been sitting for 3 years on a rate case, a rate case that is going to make a determination of whether or not it is financially beneficial for the investment in transmission lines in the sense they can recover their investment.

What about natural gas? The electric industry is moving into the area more and more and converting to natural gas, but while the supply of natural gas is abundant, we are now pulling down our reserves. Last year, our reserves were about 160 trillion cubic feet; this year, they are about 150. We are using more gas than we are finding. We are using currently about 20 trillion cubic feet. The estimate is about 30 to 35 in the next 10 years. We are not finding a replacement. So we are going to have a crunch in natural gas, and natural gas is going to go up.

It is estimated the industry is going to have to spend $1.5 trillion to put in new infrastructure for delivery into various parts of the country. From where is the capital going to come? It is only going to come if they get an adequate return on their investment; otherwise, they are not going to build the pipelines.

This whole thing is coming to a head. The American people are beginning to wake up a little bit. The administration is beginning to point the blame to industry, to Congress, to the refiners, to anybody but themselves, because this administration has not had an energy policy of any consequence, as evidenced by the President's statement that suddenly he is concerned and suddenly he sends something to Congress—if we can identify just what this is he sent up—calling on Congress to pass a variety of administrative proposals. They do not say what the proposals are. He is a little late. It is like somebody fiddling while Rome burned.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND RELATED AGENCIES APPROPRIATIONS, 2001—Continued

Mr. MURKOWSKI. Mr. President, I have been asked by the leader to file a number of amendments as an amendment to the underlying Labor-HHS bill. The amendment is the Republican energy security package. I ask unanimous consent that it be so filed. I appreciate the willingness of the leader to file the amendment.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator has the right to file an amendment.

Mr. MURKOWSKI. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I am here as the ranking member on the Labor-HHS appropriations bill, which is pending this morning. We had hoped Senators would come over and offer amendments. We had a good amendment earlier by Senator BOND from Missouri. I thought we could move ahead on that, but it looks as though we have diverged to other issues.

As long as that is the case, I feel constrained also to talk about the problems we have with high gasoline prices in the Midwest.

I was listening to my colleague from Alaska speak. Quite frankly, I got to thinking about what is happening in the Midwest and upper Midwest with high gasoline prices. It occurred to me there are all kinds of rumors going around about why this is happening: There is a broken pipeline; there is a shortage of crude oil; reformulated gasoline, with ethanol is the problem—there is all this talk swirling around out there, everybody blaming everybody else.

No one knows the answers. That is why yesterday I wrote a letter to the chairman of the Senate Committee on Energy and Natural Resources asking him to hold emergency public hearings to subpoena the heads of the major oil companies, bring them to Washington and put them under oath, and then start asking them the tough questions. Then I believe we might get to the bottom of it.

I say to the chairman of the Energy Committee, use the powers of subpoena. Bring the heads of the oil companies to Washington. Maybe they do have an answer. Maybe there are logical reasons why the price of gasoline is so high. I doubt it, but let them have their say. I say put them under oath, just as we did with the tobacco company executives a few years ago. Let's put them under oath and ask them the tough questions. Let Senators from both sides ask them the questions about why we have these high and divergent gasoline prices in the upper Midwest. Maybe we can get somewhere and find answers.

I also asked the head of the Federal Trade Commission to do the same thing: subpoena records and subpoena the oil company executives to come to Washington in an open, public hearing so that the public can hear for themselves the answers to these questions.

I want to talk for a moment about all of the claims and assertions going around that reformulated gasoline and ethanol are the cause of the increase in prices in the upper Midwest. I just heard the Senator from Alaska allude to reformulated gasoline being part of the problem. If reformulated gasoline is the problem, then why is it that we have reports that of instances where reformulated gasoline, including where ethanol is used, is actually below the price of conventional gasoline.

That has happened in Louisville, KY, and St. Louis, MO, where they have an RFG requirement, according to EPA.

EPA has said that RFG with ethanol would not be more than a penny a gallon higher than RFG without ethanol. Even that may be high. Yesterday, in Chicago, the price of conventional gasoline at wholesale was $1.24 a gallon. The price of reformulated gasoline with ethanol was $1.24 a gallon. It was the same price at the wholesale level. And said, in some markets, we found that reformulated gas is at a lower price than conventional gasoline. That makes sense because ethanol is now actually cheaper than gasoline.

The Senator from Alaska talked about an energy policy. One of the energy policies of this administration has been to promote the use of ethanol and renewable fuels. I know the Presiding Officer is a big supporter of ethanol, too. So is this Senator. But every time we try to promote ethanol, we are stymied by the oil companies. They have some reason why they cannot use ethanol. I will tell my colleagues why they do not want to use ethanol: Because they cannot control it, and if we continue to produce more ethanol in this country, it is going to provide an alternative to gasoline which will keep the price of gasoline down. That is purely and simply why the oil companies do not want ethanol. We have been through this battle going clear back to the Clean Air Act Amendments of 1990 and earlier.

Years ago, the oil companies put lead in their gasoline. We found out lead was causing all kinds of problems, physiological problems in kids and adults. So we had to force them to take the lead out. In order to keep the octane up, then they said: We are going to use these aromatic and toxic compounds, such as toluene, benzene, and xylene. They put that witch's brew together in the gasoline to keep the octane up.

Then we found out many of these compounds were air polluting, toxic, and carcinogenic. About that time, around 1990, we passed the Clean Air Act. We in the Senate mandated an oxygenate requirement of 3.1 percent for gasoline to clean up the air and to meet clean air standards.

That is what the Senate adopted. It went to conference. I thought we had it settled that we were going to have 3.1 percent. The oil companies weighed in. They got that knocked down to 2.0 percent.

We may not have appreciated what they were up to. Two percent oxygen is better than nothing so we went with 2 percent. But the oil companies had something called methyl tertiary butyl ether, which they could use as an oxygenate and also that would help meet the clean air standards, at the 2-percent level. MTBE would not have been so heavily used at the 3.1 percent level because MTBE has a much lower oxygen content than ethanol.

Ethanol could do it at the 3-percent level but not MTBE. So the oil companies got back in, knocked it down to 2 percent, and guess what happened. The market was flooded with MTBE, and because the oil companies have control over it, it has kept the production of ethanol down for the last decade.

Then what did we find out? First of all, we had the lead that the oil companies pushed off on us. Then we had the aromatics and toxics which they pushed off on us. Now we have MTBE which they pushed off on us, and it is polluting water supplies all over the country. State after State is beginning to ban MTBE, such as California and other States. I assume that presently, or very shortly, we are going to have a ban on all MTBE in the United States.

They fooled us once, they fooled us twice, and they fooled us three times. Are we going to let them fool us again? Now they say they can come up with something else. Now they have something else they are going to try to put in the gasoline to meet the Clean Air Act. They want to get rid of the oxygenate requirement in fuel totally and do it their way. Then ethanol does not have a role. That is the oil companies for you. They stymied everything we have ever tried to do to provide for alternative source fuel, especially ethanol.

It costs basically the same amount of money to take oil out of the ground today as it did a year ago or a year and a half ago. It does not cost any more. Yet we see the price going up.

The International Energy Agency has pointed out we have a greater supply, than demand of oil by about 3 million barrels a day. I have always thought, if supply exceeds demand, the price goes down. The oil companies have stood that on its head. We have an excess of supply over demand by 3 million barrels a day and the price is way up.

The Senator from Alaska said that over the next—I don't know what timeframe he was using—that the oil companies would need $1.5 trillion for new infrastructure, $1.5 trillion for new pipelines, new refineries, new infrastructure for oil and gas. Yet we try to get a few million dollars to help ethanol production, to help biomass fuels which are renewable. We need to get a few million dollars in for the use of hydrogen in fuel cells and for fuel cell research, which would be a tremendous

alternative to burning gasoline in our cars—where you could take solar energy, in the form of direct solar energy or biomass, or hydroelectric, use that power to separate hydrogen from oxygen, take the two atoms of hydrogen off of the water, separate the hydrogen off, use that hydrogen—you can compress it, you can store it, you can pipe it—you can even liquefy it; that is a little expensive—and then you can put that through a fuel cell. As it goes through a fuel cell, it combines again with oxygen, and it makes electricity. And you use that electricity to power lights, to drive a car, to drive a bus. That is being done today.

We have buses running in Vancouver, British Columbia powered only by fuel cells. We have the technology. It is a little expensive right now, I grant that. But the more we mass-produce it, the cheaper it is going to become.

The future for energy production and energy use is not bleak; it is very bright. It is clean, it is renewable, and it is plentiful. If we can get out from underneath the grip that the oil companies have on America, if we can move ahead, instead of $1.5 trillion for new infrastructure for oil and gas, if we just take a fraction of that amount of money and put it into fuel cell production, put it into biomass fuels and solar energy and the production of ethanol, we could have a blend of fuels in this country that would offset the increases we would need over the next 20 to 50 years.

But this Congress will not invest in it. This Congress—will not invest nor have other Congresses invested—in what is needed for clean, renewable energy in the form of hydrogen extraction for fuel cells.

As I said, we have two paths to go. We can go down that same path we have been going down with the whole carbon cycle, using more and more oil, refining it, trying to clean up the air, trying to clean up oil spills, or we can go for clean, renewable fuels like ethanol and biodiesel, and hydrogen for use in fuel cells which are much more efficient, too, by the way.

So, no, we do not have to continue to pay obeisance to the oil companies. I think maybe now, with what is happening in the upper Midwest, what we see happening around the country, maybe now Congress can start to move and make some changes in our energy policy.

The bottom line: Get the oil company executives here. Put them under oath. Ask them the tough questions. Then we will begin to get to the bottom of this.

I did not mean to really talk on energy, but I heard the Senator from Alaska talking about it and thought I should respond because I believe there is another side to this story other than just going down the pathway of promoting oil and more oil use in this country and around the world.

But as I said in the beginning, we are here because of the Labor-HHS bill and the impact it has on our society in all of its forms: education, health, job training, medical research.

I believe one of the crucial aspects of our bill that we fund here every year on Health and Human Services is the need—the great need—we have in this country to ensure that our elderly citizens have access to quality health care. That is why the administrative costs of medicare and the running of the program fall under our jurisdiction. The actual levels of Medicare and Social Security fall under the Finance Committee. But we are charged with the responsibility of making sure it runs and that the elderly get the kind of quality health care accessibility that they need. One of the items impacting the elderly the most in that regard today is the extremely high price of prescription drugs.

Last night, we had a crucial vote in the Senate on that issue. We had the first real vote this Congress on whether our seniors should get help with the high cost of prescription drugs. That is what the vote was about. Unfortunately, all but two of our colleagues on the Republican side joined together to defeat Senator ROBB's motion and to deny seniors the help they desperately need with high prescription drug costs.

It is too bad it fell along partisan lines. This is not a partisan issue. I have had town meetings with seniors in my State. I don't ask them whether they are Republicans or Democrats. They all come to the meetings. It tears my heart out to hear their stories of $4,000, $5,000, as much as $6,000 a year that they are paying out of pocket every year for prescription drugs with no help. It should not be a partisan issue. It is too bad that all of our colleagues on the Republican side joined together to defeat it except two.

I hope it is only a temporary setback. I challenge our colleagues on the other side of the aisle to join us, to join our seniors, to join the overwhelming majority of Americans who support a Medicare drug benefit. Our seniors need real help. They don't need the kind of sugar pill that is being prescribed by the House Republican leadership.

The House Ways and Means Committee this week passed a prescription drug benefit. Quite frankly, it does not answer the problem. It is an insurance program that reimburses insurance companies, not our seniors. It is not affordable. It is not an option for seniors in all regions of the country. It is not universal. There is no guaranteed access to needed drugs and local pharmacies. There are no protections against high drug costs. Who benefits from what the House did? The drug companies and the insurance companies. The House basically said that if you are a single person and you make over $12,500, there is no assistance to you. They are saying to the seniors of this country, if you make over $12,500 a year, tough luck. You have to pay for it all out of pocket. A lot of the people who have incomes under $12,500 qualify for Medicaid anyway; they get help with their drug costs.

What the Republicans in the House did only answers a need for a very narrow band of seniors—the very poor. What about the elderly who are making $15,000 a year? They are left out in the cold. Seniors making $20,000 a year who may still have payments on a house, maybe they have their property taxes to pay, they have heating bills, food bills, they have clothing bills. We would like to have them enjoy a little bit of their retirement years, maybe take a little vacation once in a while. They can't do that. They won't be able to do that under the House-passed bill because they will have to have an income of less than $12,500 a year. If it is over that, even with that, the benefits go to the drug companies and insurance companies and not to the seniors.

I think our seniors have waited long enough. They have been in the waiting room long enough for this. When our seniors see the vote that was taken last night, they are going to be mad, and they have every right to be. That is the first time we voted on this. We will continue to try. We will reach across the aisle and hope to make this a bipartisan effort. Senators will have another chance to vote again on the issue of prescription drug benefits for our elderly. Hopefully, the next time we do it, we will have a different result. We can provide meaningful help for our seniors to pay the extremely high cost of drugs they are having to pay today. So many of our seniors are being forced to choose between food, heat in the wintertime, maybe even air conditioning in the summertime, a choice between that and paying for prescription drugs. It is a choice they should not have to face.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

(The remarks of Mr. WARNER pertaining to the introduction of S. 2782 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. KENNEDY. Mr. President, before addressing the Senate on the matters before us in terms of education and the HHS appropriations bill, I commend my good friend from Iowa for a splendid presentation on energy policy as well as on prescription drugs. He talked with great knowledge and understanding about some of these advanced technologies which can make an enormous difference in terms of our region of the country, the Northeast. With the kinds of research he has supported and which the administration has tried to achieve with their budgets being denied by the other side, I am very hopeful that we can follow a number of those recommendations that he has made. I think they are sensible and responsible, and they can make an enormous difference on energy policy.

As always, he has summarized very completely the challenge that is before the American people on the question of prescription drugs. We had a brief debate last evening. We have been waiting some 17, 18 months to get action.

We still have not had the action by the respective committees. Given the fact that so many of our senior citizens are suffering, we want to move this process forward.

I join with the Senator from Iowa and our other colleagues, the Senator from Florida, Mr. GRAHAM, Senator ROBB, and our leader, Senator DASCHLE, who has done so much to advance this issue for us in the Senate, hoping that we can in the remaining days fashion and shape legislation that will have the support of this body. I think, as was evident last night, we still have a long way to go.

I regret very much that we are taking up the Labor-HHS-Education Appropriations bill for education, before we have completed action on the authorizing bill, the Elementary and Secondary Education At. I am distressed by this fact because we know that education is a national priority.

We have an opportunity this year to do our part to help local communities improve their schools by strengthening the Elementary and Secondary Education Act. And, to Democrats, this is must-pass legislation.

We have tried to make this a priority in the Senate. Six weeks ago we were debating education policy. That legislation was pulled. We did receive assurances that we would get back to the debate on education policy, but we have not had that opportunity to do so. I regret it. Parents regret it and students and teachers and those involved in the education of the children of this country should regret it.

We now have before us the funding mechanisms for education. We are really putting the cart before the horse. We are talking about the funding without having the debate on what the education policy should be.

That is not the way to deal with the Federal involvement and participation in sound education policy. We have differences about how to do what we ought to fund. We have a limited role, granted. Only 7 cents out of every dollar that is expended at the local level is actually provided by the Federal Government, but this is not an unimportant funding stream.

Historically, what we have tried to do is debate these issues, resolve these questions, develop a policy, and then fund that policy. But we have not had that opportunity. This is in spite of the fact that we have had a lot of bold statements about the importance of education.

We had our majority leader in January of this year saying:

> Education is going to be a central issue this year. For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

That is what I wish we had the opportunity to do. However, it has been 6 weeks since we had that legislation. We had it before the Senate 6 days, and 2 days we had debate only. We had eight amendments, and three of those were unanimously accepted. There were only 5 amendments that would not have been universally accepted by roll call votes.

We have our leader talking about the importance of education as a matter of national priority in January. At the Mayors Conference on January 29, he said:

> But education is going to have a lot of attention, and it's not going to just be words. . . .
>
> Education is number one on the agenda for Republicans in the Congress this year. . . .

That was in 1999.

On February 1, 2000:

> We're going to work very hard on education. I have emphasized that every year I've been majority leader. . . . And Republicans are committed to doing that.

Then he said on February 3, 2000:

> We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

Congress Daily, April 20, 2000:

> . . . LOTT said last week his top priorities in May include an agriculture sanctions bill, Elementary and Secondary Education Act reauthorization, and passage of four appropriations bills.

And we still haven't had the reauthorization.

On May 2, the majority leader was asked:

> Senator, on ESEA, have you scheduled a cloture vote on that?
>
> Senator LOTT. No, I haven't scheduled a cloture vote. . . . But education is number one in the minds of the American people all across this country and every state, including my own state.

We are still waiting for that. We had 55 different amendments on the bankruptcy bill. Why aren't we saying that education is important? Why aren't we debating it today, or this afternoon, or next Monday, and having votes on it? We are not doing that and we ought to be doing that—It is the Nation's business.

So this is an important matter for policy makers and parents. When they hear the leaders of the Senate saying it is a priority and it is important, that we ought to do it, we have to do it, we are committed to doing it, yet we never do it, they have to ask are we serious about this issue. I think these are very serious questions: Are we going to find the time to debate what is on the minds of most families in this country? How their children are going to get the best possible education? What are we going to do at the local level, State level, and Federal level to try to be able to achieve it? This is a matter of very considerable concern.

Secondly, I remind our colleagues that education is only 2.3 percent of the Federal fiscal year 2000 budget. Defense is 15 percent. Interest on the debt is 12.3 percent. Entitlements are 12.6 percent. Medicare is 6.5 percent. Medicare is 11.1 percent. Social Security is 22.5 percent. Nondefense discretionary is 17.1 percent.

I don't think that is what American families think is a priority. This institution is about prioritizing for the American people. How do we reflect their principal concerns in prioritizing and allocating resources in the budget? I daresay that American families want more than 2.3 percent of our Federal budget supporting education.

Now, there are those on the other side of the isle who do not want to see that. They say they don't want any Federal participation. Some on that side have advocated the abolition of the Department of Education. They have wanted to rescind money that we have appropriated. That has been their position, and I don't agree with it.

When you see that education is only 2.3 percent of the Federal budget—if you took any part of America and brought together a group of Americans and asked them how they wanted to allocate the Federal dollars, they will talk about national security, certainly, and that is an important priority, and Medicare and Medicaid and Social Security; those are obviously matters of priority. But they would also want to make sure we were going to do more in the area of education—more than 2.3 percent. If you take what we are doing at the K-through-12 level, it is below 1 percent. The remainder of the 2.3 percent includes higher education initiatives including Pell grants and Stafford loans. If you look at what we are doing for the 53 million American children going to school every day, we are at less than 1 percent—less than 1 percent of our budget.

I think we are talking about what most families want. They want a partnership between the Federal, State, and local governments to try to find out what programs are effective and what will enhance academic achievement and accomplishment for their children. Let's invest in those programs and let's have tough accountability measures to make sure we are going to get results. That is what this side of the aisle wants to do.

This chart is reflective of what has been happening. The Federal share of education funding has declined. This shows in 1980, elementary and secondary education—it was 11.9 percent in 1980, and it was down to 7.7 percent in 1999. The second part is higher education, 15.4 percent in 1980, and down to 10.7 percent in 1999. These indicators are going down when they ought to be going up. That is basically the issue of choice.

If you look at what is happening in terms of allocation of priorities in the elementary and secondary education, we are seeing the collapse of the national commitment in terms of educating children in this country. This is wrong. We are talking about priorities, and I think this is an issue that will have to be a matter before the country in this national election.

We have seen in the eighties and coming into the nineties a gradual decline in Congress assisting local communities, at a time when there has been an exploding population in K–12. There are scarcer resources going to

assist local communities, as we have been able to acquire an increasing knowledge and awareness about efforts that are actually working and enhancing academic achievement.

That is the dilemma. That is the dilemma with the budget resolution. The Republican budget resolution allocated a certain amount of resources for the Labor-HHS-Education appropriations bill. I admire the work that has been done by my colleagues, Senator HARKIN from Iowa and Senator SPECTER from Pennsylvania. In spite of their best efforts, because there has been a reduced allocation for their budget, there is going to be a cutback in many of the programs which make a vital difference in educating the children of this country.

It does not have to be that way. Included in this budget is a tax cut of some $718 billion over 10 years. When there is an allocation for a tax cut of $718 billion, there is going to be a short shrift of some programs, and in this instance it is education. The American people ought to understand that. I believe it is a higher priority to invest in children and in programs that work rather than having tax breaks for wealthy individuals and corporations of this country.

This ought to be an issue during the course of this election because if we are not going to see any departure or change in the leadership in the House or the Senate, we will continue to see this decline in assisting in education. That is irrefutable.

I am going to review for the Senate what has happened to some programs that have focused on the enhancement of education. There are cutbacks by the Republican leadership in allocating resources to the Senate appropriations subcommittee because they want a large tax break over a period of years. Democrats have some tax breaks, about a third of what the Republicans want. We have about a third of the cut, but we enhance the programs that are working. That is the major difference.

This is not a time for cuts in education. We need to increase our investment in education to ensure a brighter future for the Nation's children. Unfortunately, the bill approved by the House of Representatives is a major retreat from these priorities. It slashed funding for education by $2.9 billion below the President's request. The House bill is even worse than the bill that is before the Senate. Unless we are going to enhance some of these programs during the debate next week, then we cannot expect, when the House and Senate meet, that there is going to be a compromise that is not going to have a further diminution of our commitment than what is before the Senate at this time.

The House bill zeros out critical funds to help States turn around failing schools. It slashes funding for 21st century learning center programs by $400 million below the President's request, denying 900 communities the opportunity to provide $1.6 million for after-school activities to keep children off the streets, away from drugs and out of trouble, and help them with their studies.

Of all the requests for resources for programs by local communities, perhaps the highest number of requests is for after-school programs. They are working, they are effective, and they are keeping children out of trouble and enhancing academic achievement. These programs are being cut.

It eliminates the bipartisan commitment to help communities across the country reduce class size in the early grades. The federal Class Size Reduction program is making a difference. For example, in Columbus Ohio, class sizes in grades 1–3 have been reduced from 25 students per class to 15 students per class. We need to invest more in this program, so that communities can continue to reduce class sizes.

It cuts funding for Title I by $166 million below the President's request, reducing or eliminating services to 260,000 educationally disadvantaged children to help them master the basics and meet high standards of achievement—260,000 fewer children will be able to benefit from that program.

It reduces the funding for the Reading Excellence Act by $26 million below the President's request, denying services to help 100,000 children become successful readers by the end of the third grade. What sense does that make? We ought to be enhancing our effort to ensure literacy among children in our country. We know what works. Instead, they are cutting back on that effort which has been very successful.

It slashes funding for Safe and Drug Free Schools by $51 million below the President's request, denying communities extra help to keep their students safe, healthy, and drug-free, with the development of conflict resolution programs to help schools and school teachers have more orderly, disciplined classrooms and schools. This program is used in schools all over this country. It is not going to resolve all the problems of school violence and school discipline, but it is enormously helpful and useful in trying to help teachers, parents, and officials in local communities to make schools safer and drug-free.

This bill does nothing to help communities meet the most urgent repair and modernization needs.

These needs are especially urgent in 5,000 schools across the country. We have the GAO study that says it will cost $112 billion to repair and modernize schools so that children go to school in buildings that are modern and safe, and not overcrowded. The administration has come up with a very modest program to help schools in this effort. This effectively turns its back on that effort.

It slashes funding for GEAR UP by $125 million below the President's request, denying more than 644,000 low-income middle and high school students the support they need for early college preparation and awareness activities.

It does nothing to increase the funding for Teacher Quality Enhancement Grants, so that more communities can recruit and retain better qualified teachers.

It slashes funding for Head Start by $600 million below the President's budget, denying 50,000 low-income children critical preschool services.

It slashes funding for dislocated workers by $181 million below the President's request, denying over 100,000 dislocated workers much-needed training, job search, and re-employment services.

It reduces funding for Adult Job Training by $93 million below the President's request, denying 37,2 and the second part is higher education 00 adults job training this year.

If this program goes through, in terms of trade with China, we know there are going to be sectors of our economy that are going to do very well, but there are others that are going to be adversely impacted.

Rather than cutting back and slashing training programs for workers who are going to be dislocated, we ought to be strengthening those programs, if we are going to be fair and have a fair and balanced policy on the issues of trade. We are going in the wrong direction.

It cuts youth opportunities grants by $200 million below the President's request, eliminating the proposed expansion to 20 new communities, reducing the current program by $75 million, and denying 40,000 of some of the most disadvantaged youth a bridge to the skills and opportunities of our strong economy and alternatives to welfare and crime.

It slashes Summer Jobs and Year-Round Youth Training by $21 million below the President's request, reducing the estimated number of low-income youth to be served by over 12,000.

What do you expect these young people are going to be involved in? You don't think they are going to look for other routes? And then we are going to have complaints about the problems in terms of an increase in violence and dangerous behavior when we are basically underserving and failing in terms of meeting these requirements—all because we are trying to save money for a tax break for wealthy individuals. That is the alternative.

The Senate bill does take some positive steps towards better funding for higher education.

It does increase the Pell grant by $350 to $3,650. This is enormously important.

The average income for those families is $9,000. If you take children with similar academic test results—not that test results are the only indicator; but let's take those—that makes it even more extraordinary because these children who are coming from low-income

and lower-middle income families don't have the advantages that many other children have in taking these prep courses for the SATs and other college aptitude tests. But if you take children with the same academic test results, the chance for children in the lower quarter percentile to continue in higher education is 25 percent of what it would be if they were in the top third of income. Mr. President, 82 percent of children in the top third income bracket continue in higher education. And for just the children who are eligible, 25 percent of them continue in higher education from the lower income bracket.

We are finding the disparity in education increasing. We made the efforts years ago, starting in the 1960s, with Republican and bipartisan support, to try to see that there was not going to be enormous disparity in the area of education. That is increasing now. The danger we are facing is whether we are going to see it further increase in the areas of technology.

There has been a funding increase of $1.3 billion in IDEA, which I strongly support. I remember offering the amendment last year when we had the tax bill. It was $780 billion over 5 years, to fully fund the IDEA. That would have taken a fifth of the tax bill. And it went down in a resounding defeat. It was a pretty clear indication that the Republican leadership won't fully fund IDEA for a tax cut, but will try to fund the IDEA even if it means cutting back in some of these very important programs that reach out to the neediest children.

Once again, the Republican leadership has put block grants ahead of targeted funding for education reforms. Block grants are the wrong approach. They prevent the allocation of scarce resources to the highest education priorities. They eliminate critical accountability provisions that ensure better results for all children. The block grant approach abandons the national commitment to improve education by encouraging proven effective reforms of public schools.

Block grants are the wrong direction for education and the wrong direction for the Nation. They do nothing to encourage change in public schools.

The bill includes $2.7 billion more for the title VI block grant, but it eliminates the Federal commitment to reducing class size. It does nothing to guarantee funds for communities to address their urgent school repair and modernization needs.

It is unconscionable to block grant critical funds that are targeted to the neediest communities to reduce class size. Under the bipartisan Class Size Reduction Program that has received bipartisan support for the past 2 years, funds are distributed based on a formula that is targeted to school districts 80 percent by poverty and 20 percent by population. But under the title VI block grant, funding is distributed based solely on population—it includes no provisions to target the funds to high poverty districts. This is unacceptable, when it is often the neediest students that are in the largest classes.

The national class size average is just over 22 students per class. But, in many communities—especially in urban and rural communities—class sizes are much higher than the national average.

In 1998, the publication Education Week found that half of the elementary teachers in urban areas and 44 percent of the teachers in nonurban areas had classes with 25 or more students.

Next week, we will have the opportunity to address education in this pending Senate appropriations bill.

Democrats will offer amendments to address as many of these critical needs as possible. I intend to offer an amendment to increase funding for Title II of the Higher Education Act, to help communities recruit and train prospective teachers and put a qualified teacher in every classroom. In addition, I will offer an amendment to increase funding for skills training by $792 million to ensure the Nation's workers get the support they need in today's workplace.

Senator MURRAY will offer an amendment to continue the bipartisan commitment we have made over the last two years to help communities reduce class size in the early grades.

Senator HARKIN and Senator ROBB will offer an amendment to ensure that communities get the help they need to meet the most urgent repair and modernization programs.

Senator DODD will offer an amendment to increase funding for the 21st Century Learning Centers Program, so more children will have the opportunity to attend after-school activities.

Senator BINGAMAN will offer an amendment to help States turn around failing schools.

Senator REED will offer an amendment to increase funding for the GEAR UP programs, so more children will be able to attend college.

Other colleagues will offer additional amendments to increase the Nation's investment in education. The time is now to invest more in education. The Nation's children and families deserve no less.

Mr. President, I want to just take a moment of the Senate's time to speak on where we are on the Patients' Bill of Rights.

The American people have waited more than 3 years for Congress to send the President a Patients' Bill of Rights that protects all patients and holds HMOs and other health plans accountable for their actions.

Every day the conference on the Patients' Bill of Rights fails to produce agreement on meaningful patient protections, 60,000 more patients endure added pain and suffering. More than 40,000 patients report a worsening of their condition as a result of health plan abuses. This is happening every single day we fail to take action.

By all accounts, Republicans are working amongst themselves on the Patients' Bill of Rights. They are working in the middle of the night, behind closed doors, to produce a partisan bill that will surely fail the test of true reform. The crocodile tears were flowing from the eyes of the Senate Republican leadership on June 8 when we took the bipartisan, House-passed Managed Care Consensus Act to the floor for its first Senate vote. That legislation, which passed the House with overwhelming bipartisan support last year, is a sensible compromise that extends meaningful protections to all patients and guarantees that health plans are held accountable when their abuses result in injury or death.

Democratic Conferees sent a letter to Senator NICKLES on June 13. In that letter, we reiterated that we remained ready to negotiate on serious proposals that provide a basis for achieving strong, effective protections. But the Assistant Majority Leader has not responded. The silence is deafening.

The gap between the Senate Republican plan and the bipartisan legislation enacted by the House in the Norwood-Dingell bill is wide. And the intransigence of the Republican conferees is preventing adequate progress.

Make no mistake. We want a bill that can be signed into law this year. There is not much time left. We need to act now. The Republican leadership continues to refuse to guarantee meaningful protections to all Americans. They continue to delay and deny action on this critical issue. This debate is about real people. It is about women, children, and families.

This issue is a very basic and fundamental issue. It is whether doctors, nurses, and families are going to make the medical decisions for patients free of the decisions of the accountants for the HMOs. That is what this bill is really all about. That is why over 300 organizations support our particular proposal: patients organizations, every women's organization, every child's advocate, every cancer prevention and treatment organization is for us, every medical organization—including strong support from the American Medical Association. None of these organizations support the Senate Republican program or the lack of progress in the conference.

A third of all the Republicans in the House of Representatives supported the Dingell-Norwood bill. Now we have effectively 49 Members of the Senate who are supporting the Dingell-Norwood legislation. To just get a majority, one would think the changes that would have to be made in this would be extremely easy. I don't think they are that complex. But we still have the Republican leadership denying us the chance to do it.

I am always interested in the silence on the other side. I asked: In this Patients' Bill of Rights, which we have basically supported on our side, which one of these guarantees do you not

want to provide for your families and for your constituents?

The first one is to protect all patients with private insurance. This is the difference. Under the Democratic proposal, there are 161 million Americans who are covered. Under the Senate Republican program, there are only 48 million. Under the bipartisan House of Representatives program, it is 161 million. We ought to be able to decide that pretty easily. Do we want to cover everyone, which is 161 million, or are we going to cover only 48 million? If you put people together in a room, they have to be able to come out with some number. The Republican bill leaves out millions of Americans. I find it absolutely extraordinary to think that we wouldn't provide protections for all Americans.

Do we want to leave out the 23 to 25 million State and local employees—teachers, firefighters, police officers, public health nurses, doctors, garbage collectors, et cetera? Do we want to leave them out? They were left out of the Senate bill sponsored by the Republicans. We included them.

Do you want to leave out those who are the self-employed—farmers, child care providers, cab drivers, people who work for companies that don't provide insurance, contract workers, workers who are between jobs and unemployed? We cover them, 12 to 15 million people. The Republican bill does not cover them.

The bipartisan legislation that we support and which we voted on in the Senate on June 8 covers everyone. But the Senate Republican leadership says ''no'' to farmers, truck drivers, police officers, teachers, home day care providers, fire fighters, and countless others who buy insurance on their own or work for state or local governments. Republican conferees steadfastly refuse to cover all Americans. Their flawed approach leaves out two-thirds of those with private health insurance—more than 120 million Americans.

The protections in the House-passed bill are urgently needed by patients across the country. Yet, the Republican leadership is adopting the practice of delay and denial that HMOs so often use themselves to delay and deny patients the care they need. It's just as wrong for Congress to delay and deny these needed reforms, as it is for HMOs to delay and deny needed care.

We have listened to statements on the other side that, ''This is all politics. This is all politics.'' We are asking: What is politics, to try to include everyone? What is politics is not including them and being in the debt of the HMOs and the industry. That is the politics.

So we ask, what is it that we don't want to provide—which one of over twenty different protections? Are we going to deny access to specialists? Are we not going to permit clinical trials? Are we going to refuse women access to OB/GYNs? What about prescription drugs that doctors give; are we not going to guarantee that? Or are we going to prohibit the gag rule so doctors can give the most accurate information on various treatments? I hope. Are we going to ensure external and internal appeals as well as accountability? Are we going to ensure emergency room access? I would think so. Which of these protections do the Republicans not want to guarantee to the American people? That is the question we are asking. The American people are entitled to an answer. Three hundred organizations that represent the American people say they are entitled to it. We ought to be doing something about it.

Every day, we find out that Americans are being harmed. We were able to get bipartisan legislation through the House of Representatives. At the dead end of our conference, the courageous Congressmen, Mr. NORWOOD and Mr. GANSKE, came over and indicated that they believe we are not making progress. They support our efforts in the Senate. Two prominent doctors who happen to be Republicans strongly support our effort in the Senate to get action.

We reject the concept that this is just a political ploy. It is interesting to me, having been here for some time, that whenever you agree with the other side, it is wonderful and you are a statesman. If you differ, you are a politician; it is done for political purposes. We have listened to that all the time. We heard it last night on prescription drugs. We heard it on hate crimes. We heard it with regard to the Patients' Bill of Rights.

The American people understand the importance of this legislation. We want to give assurances to the American people, we are not letting up on this issue. We are going to press this issue on the Patients' Bill of Rights. We are going to press it, and press it, and press it until we get the job done.

We are going to do the same with prescription drugs, so our friends on the other side ought to get familiar with it. Just as we are going to come back to the issue of minimum wage, we are going to come back to it, and back to it, and back to it, if you want to dust off your speeches already and say that that is politics.

The idea of guaranteeing someone who works 40 hours a week, 52 weeks of the year, that they are not going to live in poverty is a fairness issue which the American people understand. We ought to guarantee that minimum wage for work in America. You can name it or call it anything you want, as long as we vote on it and get it and make sure they get the fair increase they deserve.

I thought we would have the chance to get into the debate and discussion on a number of these issues, but we are not having that opportunity today. I look forward to debating the issues the first of the week.

Mr. President, Congress can pass bipartisan legislation that provides meaningful protections for all patients and guarantees accountability when health plan abuse results in injury or death. The question is ''will we''?

The American people are waiting for an answer.

The PRESIDING OFFICER. The distinguished Senator from Georgia is recognized.

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

VICTIMS OF GUN VIOLENCE

Mr. HARKIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

June 23, 1999:

Abdalla Al-Khadra, 23, Salt Lake City, UT;

Khari Bartigan, 18, Boston, MA;

Joseph Coats, 26, Chicago, IL;

Wendell Gray, 22, Chicago, IL;

Derwin K. Harding, 21, Oklahoma City, OK;

Hosey Hemingway, 27, Miami-Dade County, FL;

Teresa Hemingway, 30, Miami-Dade County, FL;

Steven Henderson, 17, Baltimore, MD;

Jim Johnson, 31, Dallas, TX;

Monique Trotty, 22, Detroit, MI;

Nichole Vargas, 18, Chicago, IL;

Unidentified male, San Francisco, CA.

These names come from a report prepared by the U.S. Conference of Mayors. The report includes data from 100 U.S. cities between April 20, 1999, and March 20, 2000. The 100 cities covered range in size from Chicago, IL, which has a population of more than 2.7 million, to Bedford Heights, OH, with a population of about 11,800.

Mr. President, I yield the floor.

INTERNATIONAL PARENTAL KIDNAPPING AND GERMANY

Mr. DEWINE. Mr. President, I am troubled—deeply troubled. I am troubled by a report in the Washington Post that—yet again—illustrates Germany's reluctance to return American

children who have been kidnapped by a parent and taken to Germany. The Post article details the latest event in the continuing international struggle that American Joseph Cooke has endured as he seeks the return of his children. As my colleagues may recall, German Chancellor Gerhard Schroeder recently promised President Clinton during the President's visit to Europe that Germany would help Mr. Cooke and grant him and his family visitation rights. Well, despite this promise at the highest levels government, the Kostanz Special Service for Foster Children now is limiting the access that Joseph Cooke's mother has to visiting her grandchildren—apparently as a punishment for all the recent media attention the case has received. This is outrageous, Mr. President. And it simply cannot be tolerated.

Let me take a moment to review the events that have led to where we are today on this issue. At the recent European conference on ''Modern Governance in the 21st Century,'' President Clinton met with Chancellor Schroeder to discuss several pressing international concerns. One issue, in particular—one I had urged President Clinton to raise with the Chancellor—was the tragic situation of U.S. children being abducted by a parent and taken to Germany.

It was necessary to raise this issue with Chancellor Schroeder because parents—and not just American parents, either—have had a very difficult time getting their children back when they have been abducted and taken to Germany. Although Germany has signed the Hague Convention, our ally—yes, our ally—has not taken their obligations under the Convention seriously. In fact, from 1990 to 1998, only 22 percent of American children for whom Hague applications were filed were returned to the United States from Germany—and that percentage includes those who were voluntarily returned by the abducting parent.

Last month, I spoke on the floor about the Joseph Cooke case—a case that illustrates perfectly Germany's reluctance to return kidnapped children. In Mr. Cooke's case, his wife took their two children to Germany, and without his knowledge, turned them over to the German Youth Authority. Despite Mr. Cooke's desperate attempts to get his children back, a German court decided that they were better off with a German foster family than with their American father. Only after President Clinton's meeting with Chancellor Schroeder and only after Mr. Cooke's case received considerable publicity and media attention, did Germany agree to help Joseph Cooke.

The Germans promised to allow Mr. Cooke and his family visitation with his children. The Germans also promised to form a working group with the United States to examine pending abduction cases. Chancellor Schroeder agreed to ''think about organizational and institutional consequences to be taken'' to speed up the German court process and make changes in German law to allow visitation rights for those parents previously prevented from seeing their children at all. Although the Chancellor acknowledged that it would be difficult to reverse German custody decisions, he assured President Clinton that this soon-to-be-created commission would work on providing the so-called left-behind parents access to their children.

But now, as the Washington Post reports, Germany is restricting visitation of the Cooke children's American grandmother from open, six-hour visits to supervised, two-hour visits in a psychologist's office. We must take a very tough stance against this, Mr. President. We must judge Germany by its recent actions—not its recent words—recent, empty words. We must hold Germany to its promises and see to it their government matches words with deeds and returns every single American child.

Given Germany's reversal on the visitation agreement, I am even more skeptical now about the sincerity of Germany's commitment to return kidnapped children. I say that partly because German officials have repeatedly blamed their non-compliance on the independence of their judiciary system. They say that they are reluctant to challenge court rulings because the courts are separate and independent from the parliament. Chancellor Schroeder even likened such interference to the days of Nazi Germany, when he told a German newspaper that: ''We have always fought for the well-being of the children to be at the core of divorce and custody cases. That is the only standard. The times in which Germany would routinely change the decisions of the courts [during the Nazi era] are over, thank God'' (Reuters, 6/1/00).

I find that argument very interesting since the United States has a very independent judiciary branch, yet we return children in 90% of all international abduction cases. And, our return rate of German children, specifically, is equally high. Even according to the German Justice Ministry's own figures, from 1995 to 1999, there were 116 cases of German parents demanding children back from the United States. Of those cases, the U.S. courts refused to return the children in only four cases. During those same five-years, there were 165 known cases in which a parent living in the United States wanted his or her children returned from Germany. Yet, in 33 of those cases, German courts declined to return the children (AP Worldstream, 6/2/00).

Mr. President, I am also concerned about Germany's offer to create a ''working group'' with the United States given the result of a similar promise Germany made to France. French President Jacques Chirac, who has characterized Germany as applying ''the law of the jungle'' in abduction cases (The London Evening Standard, 6/1/00), repeatedly asked Germany to address the difficulty his country is having in getting French children returned. In response, Chancellor Schroeder agreed to create a ''working group'' between the two nations to reach some resolution. While this working group was created a year ago, results have yet to come in on its effectiveness. Given France's experience, it is crucial that we hold Chancellor Schroeder to his word and see to it that his words are not just empty promises made in an attempt to improve a tarnished image in the international community.

Assistant Secretary of State for consular affairs, Mary Ryan will be in Germany this weekend where, according to the Washington Post, ''she will be raising this specific issue with every person she meets in the German government.'' I am encouraged to see that our State Department has indicated that it is outraged by Germany's action—perhaps now, they will take these kinds of cases seriously and take some type of significant action against Germany. Never-the-less, I urge her and our State Department and President Clinton to not take Germany's broken promises lightly. We must insist that the Germans reverse these restrictions on visitation, otherwise there is absolutely no reason to set up the commission.

Mr. President, we cannot tolerate lip service from our allies. We must hold the German government's feet to the fire. No excuses should be accepted by the parents of these children, nor by this Senate, nor by this Congress, nor by the American people. This must be a priority.

PRESCRIPTION DRUG AMENDMENT OF SENATOR ROBB

Mr. REED. Mr. President, I rise today to express my disappointment with the outcome of the vote that occurred last evening here in the Senate. I am referring to the vote on Senator ROBB's amendment concerning a Medicare benefit for prescription drugs.

Last night, we had an opportunity to give millions of elderly and disabled Americans something they desperately require, a universal prescription drug benefit. Yet, this measure was defeated, mostly along party lines, by a vote of 44–53. Our nation's seniors deserve better.

The need for a prescription drug benefit under Medicare has grown each and every year. Advances in medical science have revolutionized the practice of medicine. And the proliferation of pharmaceuticals has radically altered the way acute illness and chronic disease are treated and managed.

These remarkable advances, however, have not come without a cost. Since 1980, prescription drug expenditures have grown at double digit rates and prescription drugs constitute the largest out-of-pocket cost for seniors. For millions of seniors, many of whom are living on a fixed income and do not

have a drug benefit as part of their health insurance coverage, access to these new medicines is beyond reach.

Even more alarming, it is estimated that 38 percent of seniors pay $1,000 or more for prescription drugs annually, while 3 in 5 Medicare beneficiaries lack a dependable source of drug coverage. This lack of reliable drug coverage for today's seniors is reminiscent of the lack of hospital coverage for the elderly prior to the creation of Medicare. Back in 1963, an estimated 56 percent of seniors lacked hospital insurance coverage. Today, after all our investments in health care and prevention, 53 percent of seniors still lack a prescription drug benefit.

The need for a Medicare prescription drug benefit is a top concern for the elderly and disabled in my home state of Rhode Island. Many seniors continue to be squeezed by declines in retiree health insurance coverage, increasing Medigap premiums and the capitation of annual prescription drug benefits at $500 or $1000 under Medicare managed care plans. Mr. President, seniors in my state are frustrated and burdened both financially and emotionally by the lack of a reliable prescription drug benefit.

While the need for a prescription drug benefit is clear and the desire on the part of some members of Congress is there, action on Medicare prescription drug legislation has been slow. The Senate Finance Committee has held a series of hearings on the subject of Medicare prescription drugs, however, the committee to date has been unable to produce a bill.

In May, I joined Senator DASCHLE and several of my Democratic colleagues, in introducing S. 2541, the Medicare Expansion of Needed Drugs Act. This legislation seeks to provide millions of elderly and disabled Americans with an adequate, reliable and affordable source of prescription drug coverage.

The MEND Act embodies the principles that I believe are necessary for an adequate prescription drug benefit—it is voluntary, accessible to all seniors, affordable, provides a reliable benefit and is consistent with broader Medicare reform.

Last evening, the Senate had a real and possibly its only opportunity to enact a prescription drug benefit when Senator ROBB offered an amendment during the consideration of the fiscal year 2001 Labor, Health and Human Services, and Education appropriations bill that would have provided a universal Medicare prescription drug benefit to our nation's seniors. While the proposal differs slightly from the MEND Act, it embraced the principles that I view as necessary for a good benefit. Regrettably, this crucial amendment was defeated.

I sincerely hope that the stated desire of many of my colleagues to create an adequate and affordable Medicare prescription drug benefit will become a reality this year. During this time of strong economic prosperity, we should all feel compelled to seize this opportunity to strengthen and enhance Medicare for the new millennium.

HATE CRIMES AMENDMENT

Mr. GRAMS. Mr. President, as hate-crimes legislation was recently debated and voted on by the United States Senate, I would like to briefly explain my vote on this issue. I believe that all victims of crime, and most certainly victims of violent crime, are deserving of special status. After due process has been afforded and guilt determined, perpetrators of crimes should be punished speedily for the peace of the community and to bring some measure of resolution for the victim. However, creating different classifications of victims, and rendering punishment based upon such classifications threatens the notion of ''Equal Justice Under Law,'' the principle that adorns the United States Supreme Court building and should suffuse our entire legal system.

Violence itself, whether motivated by hate, revenge, greed, lust, envy, or some other evil motivation, threatens the peace of our communities and our citizens' sense of security. The Kennedy amendment would include minor crimes against property within the definition of hate crimes, but would not have included such heinous acts as the Oklahoma City federal building bombing, or the school shooting at Columbine High School, both of which left lasting, painful memories for the local communities in Oklahoma and Colorado, and even the Nation as a whole.

Rather than focusing on the particular motivation of the criminal, Congress and the states should provide law enforcement officials the resources necessary to fully prosecute all crimes. The diligent enforcement of existing laws will serve as an effective deterrent against criminal acts motivated by bigotry and hate, or any other distasteful compulsion. A more comprehensive strategy than what is embodied in the Kennedy amendment is warranted in light of the fact that in 1998 there were 16,914 murders committed in the United States (an average of 46 every day), and of the 16,914, only thirteen were deemed to be hate crimes.

I supported the Hatch amendment, which studies how extensive the hate crimes problem is and whether these heinous crimes are being fairly and aggressively prosecuted in the same manner as other similar crimes. I also welcome the Justice Department technical and financial assistance to states which need help in pursuing and identifying hate crimes. This is a far better role for the federal government than moving to federalize all state actions against hate crimes.

The Kennedy amendment also raised concerns by experts about constitutionality. Ultimately, it threatened to create more problems in the criminal justice system than it purported to solve, and I consequently voted ''no'' on the amendment and yes on the more reasonable Hatch amendment. I pledge to my constituents that I will support aggressive state prosecution of hate crimes, and I will continue to work to maintain safe communities, including actively supporting legislation that furthers that end.

INTERNET TAX MORATORIUM AND EQUITY ACT

Mr. BREAUX. Mr. President, I am pleased to join my colleague, Senator DORGAN, in introducing legislation designated to address the issue of Internet sales taxation.

As a consumer, I know first-hand how popular, simple and easy it is to buy items over the Internet. In fact, the Internet saved me at Christmas when I bought last-minute gifts for my wife, four children and our two little granddaughters.

But, as a member of both the Senate Finance and Commerce committees, I also know Congress has an obligation to examine how these same, tax-free Internet sales can financially harm businesses and state governments.

Senator DORGAN's bill balances the concerns of state and local governments with the importance of maintaining easy access to Internet services. It allows state and localities to enter into an interstate compact for the purpose of simplifying their sales tax systems for remote sales. Once 20 states have joined the compact, Congress can disapprove of their efforts. If Congress does not act, those states that have joined the compact and simplified their sales tax systems, will be authorized to collect sales tax on the purchases their citizens make over the Internet.

Our proposal, recognizing that collecting taxes must not be overly burdensome for online retailers, also provides a collection fee for all Internet retailers who collect these taxes. It ensures Internet purchases are not singled out for special tax treatment at the expense of neighborhood businesses, and state and local governments. This restores equality, a key aspect of any good tax system, without placing an unfair burden on anyone. I believe that this is a fair and equitable bill that takes reasonable steps to address the concerns of both online retailers and state and local governments.

We all agree Internet access should not be taxed, and that states and localities should not be allowed to impose discriminatory taxes on the Internet. In fact, Senator DORGAN's bill extends the moratorium on these types of sales for another four years.

But, I ask, is it fair to levy sales taxes on a person who buys a book from his local bookstore, but not his neighbor who buys that same book over the Internet?

I do not think it is fair. It isn't fair to residents who must pay the local

sales tax because they don't own a computer. It isn't fair to local retailers collecting the tax who must compete with Internet retailers who don't. And, it isn't fair to the states and their local governments that are losing money they need to fight crime and fires, and to give their children a quality education.

In Louisiana, sales taxes make up 33 percent of all revenues. Economists estimate that Louisiana could lose up to $172 million in state revenues by 2002 because Internet sales are not taxed. Other states are confronted with similar difficulties. When faced with these facts, it's no wonder two-thirds of Americans support Internet sales taxes.

The sales tax is not a new tax. It has been collected by states from their citizens for more than 100 years. It should be collected on all sales, regardless of whether they occur on Main Street or the information superhighway. I urge my colleagues to cosponsor this important piece of legislation.

Mr. CLELAND. Mr. President, I rise today in support of S. 2775. From the beginning of the debate on the Internet Tax Moratorium Act, I have fought for the sovereignty of state and local elected officials and a level playing field for on-line and off-line retailers. This bipartisan bill accomplishes both of these goals by allowing the states to work together in an Interstate Sales and Use Tax Compact to simplify and streamline the existing sales tax system in to a blended rate that will enable remote on-line and off-line sellers to collect and remit sales taxes without an undue burden. While states work toward this objective, the current tax moratorium will be extended four more years.

In addition to providing greater equity in the tax treatment of both Internet-based and Main Street businesses, this legislation also provides means for on-line retailers to pay their fair share in supporting the communities in which their employees and customers live. Local sales tax revenue contributes to the infrastructure and emergency services of these communities. Also of importance is the aid these funds provide to local education. If the high-tech community is truly looking to expand the domestic pool of eligible employees, they should be lauding this legislative approach because of the support it will provide the local, public school systems. Sales tax revenue will help educate the future programmer, software developer, or information architect for the virtual world of tomorrow.

As a former state official, I understand the important role state and local officials play in establishing public policy. Although Internet sales represent a small portion of overall consumer sales today, Net sales are increasing every day. Without a level playing field between on-line and off-line retailers, the forty-five states and the District of Columbia that collect sales tax could be crippled by the budgetary impact.

The Internet offers a more convenient means of purchasing goods. No longer do consumers need to fight traffic, search for a parking space, and deal with sometimes unhelpful sales people in order to purchase an item. This legislation would further ease on-line purchases by removing the confusing and often misunderstood use tax remission policies of states. The consumer would be able to take care of any tax questions in one transaction.

Some of my colleagues claim that applying existing sales taxes to the Internet will destroy this powerful news, information and commerce medium. I, on the other hand, do not see any signs of a slowing of the Net. It is growing so quickly that we are running out of Internet addresses. If anything, enacting this legislation now will enable new ''e-tailers'' to adjust their business design to adapt to this policy. In addition, this fear completely ignores the fact that these taxes are already due. They are not collected because it is too difficult.

The National Governors Association, the National Retail Federation, and the e-Fairness Coalition are among the groups that believe this legislation is a proper approach to level the e-commerce playing field. I urge my colleagues to join with this bi-partisan group in supporting the balanced approach of S. 2775 that accomplishes one of the main goals of the Internet Tax Freedom Act: to find a way to simplify the existing sales and use tax structure for remote sellers while the moratorium remains in place.

ADDITIONAL STATEMENTS

CONGRATULATING ESTONIA ON THE EIGHTIETH ANNIVERSARY OF VICTORY DAY

● Mr. DURBIN. Mr. President, June 23rd marks the 80th anniversary of Voidhupuha, or Victory Day, recalling Estonia's break from Russian control in 1920. On this holiday, Estonians commemorate the battles during the War of Independence in which military forces fought to regain Baltic control over the region. On Victory Day Estonians also celebrate the contributions of all who have fought for the cause of independence throughout their country's history.

Many lives were lost for the cause of Estonian independence. Three battles, Roopa, Venden-Ronnenberg, and finally Vonnu were the turning points that ultimately led to the defeat of the opposing army. The Tartu Peace Treaty in 1920 marked the end of centuries of struggle and finally granted independence to Estonia.

On Victory Day, Estonians also remember those who battled against the Nazis and the Soviets. From 1944 until 1991 the Soviets again occupied Estonia, and during this time those who voiced opinions against the government were typically sentenced to 25 years in a Gulag prison, and 5 years in exile. The designation of June 23rd as Victory Day signifies that all those involved in the crusade for freedom are remembered for their efforts, and that their messages live on.

Estonia has become a strong independent country since 1991 when it again rid itself of Soviet occupation. It is a free-market economy and has established a rule of law.

This year we celebrate the 60th anniversary of the refusal by the United States to recognize Soviet domination of the Baltic states. The recognition of Estonia as free and independent is positive, but does not go far enough. What we celebrate this year is what we must help to preserve next year and the year after that. We must be sure that Estonia, Lithuania, and Latvia are admitted into NATO as an unequivocal statement of the West's support for Baltic freedom and independence.

Being the son of a Lithuanian immigrant myself, I take great pride in the accomplishments of the Baltic states. I support admitting the Baltic states into NATO and I hope my colleagues here in the Senate will support their entry also in the next round of NATO expansion.

That debate we will save for another day, but I am sure all of my colleagues can agree on the importance of Estonia's struggle for freedom and independence, and will join me in congratulating Estonia on the 80th anniversary of Victory Day.●

THE BOSTON CELTICS' ''HEROES AMONG US'' AWARD

● Mr. KENNEDY. Mr. President, it is a special honor for me today to pay tribute to the forty-seven outstanding individuals who have received this year's ''Heroes Among Us'' Award from the Boston Celtics.

These honorees are men and women of all ages who have chosen different career paths. What they all have in common is the extraordinary contributions they have made to our community. They are role models for us all. They demonstrate the fundamental importance of the individual in our society, by proving that each person can truly make a difference. All of these heroes saw a need to achieve change or take other action in order to improve the lives of others.

This past season was the third season in a row that the Boston Celtics have honored one or more these heroes at home games for the special contributions they have made to our society. In those three seasons, the Celtics have honored 114 men and women with the ''Heroes Among Us'' Award, which is one of many programs that the Boston Celtics Charitable Foundation has initiated. The Foundation is dedicated to improving the lives of the youths of New England through innovative outreach initiatives. The Boston Celtic

players actively participate in these programs in many ways—from washing cars, to raising funds for books for the Boston Public Schools, to cleaning up sites for the development of homes for low and middle income families in Boston.

I commend the Celtics for their commitment to improving the quality of life for the members of our community, and I commend all of these ''Heroes Among Us'' for their dedication and their inspiring leadership. I ask unanimous consent that the names of this year's 47 ''Heroes Among Us'' may be printed in the CONGRESSIONAL RECORD.

RECIPIENTS OF THE 1999–2000 BOSTON CELTICS' ''HEROES AMONG US'' AWARD

1. Charles McAfee.
2. Andre John.
3. Eric Dawson.
4. Stephen DeMasco.
5. Anthony ''Rags'' LaCava.
6. Scott L. Pomeroy.
7. Dr. Thomas Treadwell.
8. Robert McKcan.
9. Nancy Schwoyer.
10. Dr. Louis Kunkel.
11. Robert Watson.
12. Robert Arnold.
13. Dr. Stephen Price.
14. John Kennedy.
15. Rachel Sparkowich.
16. Kathleen Brennan.
17. Jeannie Lindheim.
18. Kristen Finn.
19. Padraic Forry.
20. Jennifer Noonan.
21. Marjorie Kittredge.
22. Kelly Dolan.
23. Lindsay Amper.
24. Michael Bonadio, Sr.
25. John Pearson.
26. Thomas Forest.
27. Patrick Walker.
28. The Families of the Fallen Worcester Firefighters.
29. Billy Ryan.
30. Robert Prince.
31. Reverend Joseph Washington.
32. Nahid Moussavi.
33. Jeraldine Martinson.
34. John Paul Sullivan.
35. Ned Rimer.
36. Eric Schwarz.
37. Ann Forts.
38. Marti Wilson-Taylor.
39. Claudio Martinez.
40. Reverend Hammond.
41. Laurie and Doug Flutie.
42. Stacey Kabat.
43. Detective Tom Chace.
44. Sister Louise Kearns.
45. Sister Jean Sullivan.
46. Ellen Olmstead.
47. Ryan Belanger.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:45 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1967. An act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

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–9376. A communication from the Administrator of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2000 Tariff-Rate Quota Year,'' received on June 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9377. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Agricultural Disaster and Market Assistance'' (RIN0560–AG14) received on June 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9378. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National School Lunch Program and School Breakfast Program: Identification of Blended Beef, Pork, Poultry, or Seafood Products'' (RIN0584–AC92) received on June 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9379. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Elimination of Requirements for Partial Quality Control Programs'' (RIN0583–AC35) received on June 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9380. A communication from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program—Payment of Certain Administrative Costs of State Agencies'' (RIN0584–AB66) received on May 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9381. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Rural Empowerment Zones and Enterprise Communities'' (RIN0503–AA20) received on May 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9382. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Imidacloprid; Pesticide Tolerances for Emergency Exemptions'' (FRL6558–4) received on June 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9383. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyprodinil; Extension of Tolerance for Emergency Exemption'' (FRL6590–4) received on June 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9384. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, six items relative to Pesticide Registration; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9385. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules entitled ''Cloquintocet-mexyl; Pesticide Tolerance'' (FRL6592–4), ''Clodinafop-propargyl; Pesticide Tolerance'' (FRL6590–7), ''Azinphos-Methyl, Revocation and Lowering of Certain Tolerances: Tolerance'' (FRL6557–9), ''Trichoderma Harzianum Rifai Strain T–39: Exemption from the Requirement of a Tolerance'' (FRL6383–7) received on June 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9386. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Changes in Fees for Federal Meat Grading and Certification Service'' (RIN0581–AB83) received on May 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9387. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tobacco Fees and Charges for Mandatory Inspection; Fee Increase'' (RIN0581–AB87) received on May 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9388. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, et al.; Authorization of Japan as an eligible Export Outlet for Diversion and Exemption Purposes'' received on June 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9389. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Refrigeration Requirements for Shell Eggs'' (RIN0581–AB60) received on June 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9390. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Avocados Grown in South Florida; Increased Assessment Rate'' received on June 5, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9391. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fluid Milk Promotion Order; Amendments to the Order'' received on June 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9392. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Revision of User Fees for 2000 Crop Cotton Classification Services to Growers'' received on June 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9393. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Revision of Cotton Classification Procedures for Determining Upland Cotton Color Grade'' (RIN0581–AB67) received on June 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9394. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grade Standards and Classification for American Pima Cotton'' (RIN0681–AB82) received on June 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9395. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit Grown in California; Temporary Suspension of Inspection and Pack Requirements'' received on June 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9396. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Revision of Regulations for Permissive Inspection'' (RIN0581–AB65) received on June 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9397. A communication from the Acting Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR 1728, 'Specifications and Drawings for Underground Electric Distribution'' received on May 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9398. A communication from the Acting Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR 1710, 'General and Pre-Loan Policies and Procedures Common to Insured and Guaranteed Loans'' (RIN0572–AB52) received on May 30, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9399. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Noxious Weeds; Update of Weed and Seed Lists'' received on May 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9400. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly Regulations; Removal of Regulated Area'' received on June 8, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9401. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Plum Pox'' received on June 1, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9402. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pine Shoot Beetle; Addition to Quarantined Areas'' received on June 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9403. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pork and Pork Products from Mexico Transiting the United States'' received on June 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9404. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Grapefruit, Lemons, and Oranges from Argentina'' (RIN0579–AA92) received on June 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS:

S. 2780. A bill to authorize the Drug Enforcement Administration to provide reimbursements for expenses incurred to remediate methamphetamine laboratories, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. BENNETT, and Mr. LIEBERMAN):

S. 2781. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equation to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. WARNER (for himself and Mr.. BYRD):

S. 2782. A bill to establish a commission to examine the efficacy of the organization of the National Nuclear Security Administration and the appropriate organization to manage the nuclear weapons programs of the United States; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. BENNETT, and Mr. LIEBERMAN):

S. 2781. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market values shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

ARTIST-MUSEUM PARTNERSHIP ACT

Mr. LEAHY. Mr. President, I rise today to introduce legislation, the ''Artist-Museum Partnership Act,'' which would encourage the donation of original works by artists, writers and composers to museums and other public institutions, thus ensuring the preservation of these works for future generations. This bill would achieve this by restoring tax equity for artists. Artists who donate their self-created works, like art collectors who donate identical pieces, would be allowed to take a tax deduction equal to the fair market value of the work.

Under current law, art collectors who donate works to qualified charitable institutions may take a tax deduction equal to the fair market value of the work. This serves as a powerful and effective incentive for collectors to donate works to public museums, galleries, libraries, colleges and other institutions rather than keep them hidden from the public eye. Unfortunately, artists who create those same works may not take such a deduction. Instead, artists may only deduct the material cost of the work which is, in most cases, a nominal amount. This is simply unfair to artists in Vermont, and artists across the nation, who want to donate their works for posterity.

Prior to 1969, artists and collectors alike were able to take a deduction equivalent to the fair market value of a work, but Congress changed the law with respect to artists in the Tax Reform Act of 1969. Since then, fewer and fewer artists have donated their works to museums and cultural institutions. The sharp decline in donations to the Library of Congress clearly illustrates this point. Until 1969, the Library of Congress received 15 to 20 large gifts of manuscripts from authors each year. In the four years following the elimination of the deduction, the library received only one gift. Instead, many of these works have been sold to private collectors, and are no longer available to the general public.

For example, prior to the enactment of the 1969 law, Igor Stravinsky planned to donate his papers to the Music Division of the Library of Congress. But after the law passed, his papers were sold instead to a private foundation in Switzerland. We can no longer afford this massive loss to our cultural heritage. This loss was an unintended consequence of the tax bill that should now be corrected.

Over thirty years ago, Congress changed the law for artists in response to the perception that some taxpayers were taking advantage of the law by inflating the market value of self-created works. Since that time, however, the government has cut down significantly on the abuse of fair market value determinations. Under this legislation, artists who donate their own paintings, manuscripts, compositions, or scholarly compositions, would be subject to the same new rules that all taxpayer/collectors who donate such works must now follow. This includes providing relevant information as to the value of the gift, providing appraisals by qualified appraisers, and, in some cases, subjecting them to review by the Internal Revenue Service's Art Advisory Panel.

In addition, donated works must be accepted by museums and libraries, which often have strict criteria in place for works they intend to display. The institution must also certify that it intends to put the work to a use that is related to the institution's tax exempt status. For example, a painting contributed to an educational institution must be used by that organization for educational purposes. It could not be sold by the institution for profit. Similarly, a work could not be donated to a hospital or other charitable institution, that did not intend to use the work in a manner related to the function constituting the donee's exemption under section 501 of the tax code. Finally, the fair market value of the work could only be deducted from the portion of the artist's income that has come from the sale of similar works, or related activities.

In addition to restoring tax equity for artists and collectors, this bill would also correct another disparity in the tax treatment of self-created works—the difference between how the same work is treated before and after

an artist's death. While artists may only deduct the material costs of donations made during their lifetime, donations of those same works after death are deductible from estate taxes at the fair market value of the work. In addition, when an artist dies, works that are part of his or her estate are taxed on the fair market value.

The time has come for us to correct an unintended consequence of the 1969 bill and encourage rather than discourage the donations of art works by their creators. The public benefit to the nation, when artists are encouraged to contribute their works during their lifetimes, cannot be overemphasized. It allows historians, scholars, and the public to learn directly from the artist about his or her work. From artists themselves, we can learn how a work was intended to be displayed or interpreted and what influences affected the artist.

In Vermont, we were lucky enough to have Sabra Field, a well known artist who has been creating wood block prints for the past 40 years, donate over 500 of her own original prints to Middlebury College, at their behest. With those prints, Middlebury will establish the Sabra Field Collection so that students of the college as well as Vermonters and visitors to our state will be able to view her original works on display. We Vermonters owe her our thanks for her incredible generosity. Under current law, Ms. Field, whose prints have sold for up to $4,000 on the market, was unable to deduct the fair market value of the donated works from her taxes, as a collector of those same works would have been able to. In that instance, the public's gain was Ms. Field's loss. This legislation would create a win-win situation for all.

The Senate recently recognized the importance of the arts in our children's education when it passed a resolution designating March 2000 as ''Arts Education Month.'' The Artist-Museum Partnership Act could make a critical difference in an artist's decision to donate his or her work, rather than sell it to a private party, where it may become lost to the public forever. I cannot think of a better way to enhance arts education than to encourage the donation of art works by living artists, a few of whom we are lucky enough to have in Vermont, to public institutions across the nation.

I want to thank my colleagues Mr. BENNETT and Mr. LIEBERMAN for cosponsoring this bipartisan legislation. Mr. President, I would also like to submit to the record a letter from the Association of Art Museum Directors, in support of this bill.

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

ASSOCIATION OF ART MUSEUM DIRECTORS,
Washington, DC, May 25, 2000.

Hon. PATRICK LEAHY,
U.S. Senate, Washington, DC.
Hon. ROBERT BENNETT,
U.S. Senate, Washington, DC.

DEAR SENATORS LEAHY AND BENNETT. On behalf of the Association of Art Museum Directors (AAMD), I thank you for introducing legislation that would allow artists, composers and writers to take a deduction of the fair-market value of a contribution of their own work to a charitable institution.

As a result of changes to the tax code in 1969, visual artists, writers and composers can no longer take a deduction based on the fair-market value of a contribution of their own work to a charitable organization. The artists' deduction is limited to the cost of materials in preparing a work—in the case of a visual artist, canvas and paint. However, a collector, making an identical donation, may take the fair market value of the work. Also, once the artist dies, his or her spouse may contribute the work and use the fair-market value as the basis of the donation.

As a result, contributions to museums and libraries by living artists and writers have all but disappeared in the last 30 years, depriving the public of access to its cultural heritage, since many of the pieces are sold abroad or into private collections and never seen again. If instead the works were contributed to a charitable institution, the artists could, while still alive, provide interpretations and insights that would be of enormous benefit to the public in understanding 20th century art.

Artists like Chuck Close and Sam Gilliam who have achieved a considerable degree of success, would be more willing to share their work with the public through donations to major institutions. However, the benefits of the proposed legislation would not be limited to major artists and institutions.

Many smaller museums would benefit from contributions by local artists in the community who could be important in documenting geographic, ethnic, religious or regional examples of art.

The AAMD, which was founded in 1916 and represents 170 art museums nationwide, fully supports the enactment of this legislation.

Sincerely,

MILLICENT HALL GAUDIERI,
Executive Director.

By Mr. WARNER (for himself and Mr. BYRD):

S. 2782. A bill to establish a commission to examine the efficacy of the organization of the National Nuclear Security Administration and the appropriate organization to manage the nuclear weapons programs of the United States; to the Committee on Armed Services.

NATIONAL COMMISSION ON NUCLEAR SECURITY

Mr. WARNER. Mr. President, this legislation on behalf of myself and Senator BYRD, believe would establish a commission to examine the Department of Energy; National Security programs, which I believe will help restore the trust of the American people in the nuclear weapons programs of the United States.

Mr. President, 2 weeks ago, the Nation learned that two identical computer hard drives, containing highly classified nuclear weapons information, were missing at the Los Alamos National Laboratory. These computer discs are used by the Department of Energy's Nuclear Emergency Search Team (known as NEST) to respond to incidents of nuclear terrorism or other nuclear incidents.

The Committee on Armed Services held a hearing, in both open and closed session, earlier this week to hear from the Secretary of Energy on this matter. I must tell my colleagues that I was not satisfied with all the answers provided by the Secretary during that hearing.

Sadly, this most recent incident is just one more potentially catastrophic security failure in a series of security failures at our important nuclear weapons labs. I need not remind my colleagues that it was just one year ago this week that Congress was in the midst of an intensive investigation into allegations of Chinese espionage at these very same Department of Energy labs.

Under the Rules of the Senate, the Committee on Armed Services is responsible for ''the national security aspects of nuclear energy,'' which includes the DOE nuclear weapons labs. We take this responsibility very seriously.

That is why, today, I and Senator BYRD are sending to the desk a bill to establish a congressional commission—with commissioners to be appointed solely by the leadership of the Congress—to examine the efficacy of the current structure of DOE and to make recommendations to the Congress on whether the Department of Energy's national security programs—particularly nuclear weapons programs—should remain as a semiautonomous agency within the Department of Energy, or be moved to the Department of Defense, or possibly be established as an independent agency, as was the case with the Atomic Energy Commission.

Let me be clear, this commission will not re-examine or make recommendations regarding the internal structure of the NNSA, which was thoroughly reviewed and debated during the National Defense Authorization Conference last year. Nor will it hinder the new NNSA Administrator's efforts to fully establish his new agency. I am confident that, under General John Gordon's leadership, the internal structure of the NNSA will be sound. To the contrary, the existence of the commission will act as a safeguard against those who would seek to impede General Gordon in carrying out his statutory missions.

There is no higher calling—of any Member of this body or any President—than to protect this great Nation from the threats from nuclear weapons.

It is my intent to require this commission to report back to Congress in May of next year, to capture both the current and the forthcoming Administrations' views on where these programs should reside.

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

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

S. 2782

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

SECTION 1. NATIONAL COMMISSION ON NUCLEAR SECURITY.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''National Commission on Nuclear Security'' (in this section referred to as the ''Commission'').

(b) ORGANIZATIONAL MATTERS.—(1)(A) Subject to subparagraph (B), the Commission shall be composed of 14 members appointed from among individuals in the public and private sectors who have recognized experience in matters related to nuclear weapons and materials, safeguards and security, counterintelligence, and organizational management, as follows:

(i) Three shall be appointed by the Majority Leader of the Senate.

(ii) Two shall be appointed by the Minority Leader of the Senate.

(iii) Three shall be appointed by the Speaker of the House of Representatives.

(iv) Two shall be appointed by the Minority Leader of the House of Representatives.

(v) One shall be appointed by the Chairman of the Committee on Armed Services of the Senate.

(vi) One shall be appointed by the ranking member of the Committee on Armed Services of the Senate.

(vii) One shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives.

(viii) One shall be appointed by the ranking member of the Committee on Armed Services of the House of Representatives.

(B) The members of the Commission may not include a sitting Member of Congress or any officer of the United States who serves at the discretion of the President.

(C) Members of the Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(2) Any vacancies in the Commission shall be filled in the same manner as the original appointment, and shall not affect the powers of the Commission.

(3)(A) Subject to subparagraph (B), the chairman of the Commission shall be designated by the Majority Leader of the Senate, in consultation with the Speaker of the House of Representatives, from among the members of the Commission appointed under paragraph (1)(A).

(B) The chairman of the Commission may not be designated under subparagraph (A) until seven members of the Commission have been appointed under paragraph (1).

(4) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (3).

(5) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(c) DUTIES.—The Commission shall review the efficacy of the organization of the National Nuclear Security Administration, and the appropriate organization and management of the nuclear weapons programs of the United States, under the current Presidential Administration and under the Presidential Administration commencing in 2001, including—

(1) whether the requirements and objectives of the National Nuclear Security Administration Act are being fully implemented by the Secretary of Energy and Administrator of the National Nuclear Security Administration;

(2) the feasibility and advisability of various means of improving the security and counterintelligence posture of the programs of the National Nuclear Security Administration;

(3) the feasibility and advisability of various modifications of existing management and operating contracts for the laboratories under the jurisdiction of the National Nuclear Security Administration; and

(4) whether the national security functions of the Department of Energy, including the National Nuclear Security Administration, should—

(A) be transferred to the Department of Defense;

(B) be established as a semiautonomous agency within the Department of Defense;

(C) be established as an independent agency; or

(D) remain as a semiautonomous agency within the Department of Energy (as provided for under the provisions of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65)).

(d) REPORT.—(1) Not later than May 1, 2001, the Commission shall submit to Congress and to the Secretary of Defense and the Secretary of Energy a report containing the findings and recommendations of the Commission as a result of the review under subsection (c).

(2) The report shall include any comments pertinent to the review by an individual serving as the Secretary of Defense, and an individual serving as the Secretary of Energy, during the duration of the review that any such individual considers appropriate for the report.

(3) The report may include recommendations for legislation and administrative action.

(e) PERSONNEL MATTERS.—(1)(A) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel-time) during which such member is engaged in the performance of the duties of the Commission.

(B) All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) Any officer or employee of the United States may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) INAPPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(g) TERMINATION.—The Commission shall terminate not later than 90 days after the date on which the Commission submits its report under subsection (d).

(h) FUNDING.—Of the amounts authorized to be appropriated by sections 3101 and 3103, not more than $975,000 shall be available for the activities of the Commission under this section. Amounts available to the Commission under this section shall remain available until expended.

ADDITIONAL COSPONSORS

S. 1539

At the request of Mr. DODD, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1539, a bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2639

At the request of Mr. KENNEDY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2639, a bill to amend the Public Health Service Act to provide programs for the treatment of mental illness.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2739

At the request of Mr. LAUTENBERG, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. Res. 294, a resolution designating the month of October 2000 as ''Children's Internet Safety Month''.

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as ''National Veterans Awareness Week'' for the presentation of such educational programs.

AMENDMENT NO. 3511

At the request of Mr. ROBERTS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 3511 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3593

At the request of Mr. HUTCHINSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 3593 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3602

At the request of Mr. CONRAD, his name was added as a cosponsor of amendment No. 3602 proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

DORGAN AMENDMENT NO. 3611

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . From amounts appropriated under this title for the National Institutes of Health, $100,000,000 shall be made available to carry out the National Institutes of Health Institutional Development Award (IDeA) Program under section 402(g) of the Public Health Service Act (42 U.S.C. 282(g)).

TORRICELLI AMENDMENT NO. 3612

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE DELIVERY OF EMERGENCY MEDICAL SERVICES.

(a) FINDINGS.—The Senate finds the following:

(1) The State of New Jersey developed and implemented a unique 2-tiered emergency medical services system nearly 25 years ago as a result of studies conducted in New Jersey about the best way to provide services to State residents.

(2) The 2-tiered system established in New Jersey includes volunteer and for-profit emergency medical technicians who provide basic life support and hospital-based paramedics who provide advanced life support.

(3) The New Jersey system has provided universal access for all New Jersey residents to affordable emergency services, while simultaneously ensuring that those persons in need of the most advanced care receive such care from the proper authorities.

(4) The New Jersey system currently has an estimated 20,000 emergency medical technicians providing ambulance transportation for basic life support and advanced life support emergencies, over 80 percent of which are handled by volunteers who are not reimbursed under the medicare program under title XVIII of the Social Security Act.

(5) The hospital-based paramedics, also known as mobile intensive care units, are reimbursed under the medicare program when they respond to advanced life support emergencies.

(6) The New Jersey system saves the lives of thousands of New Jersey residents each year, while saving the medicare program an estimated $39,000,000 in reimbursement fees.

(7) When Congress requested that the Health Care Financing Administration enact changes to the emergency medical services fee schedule as a result of the Balanced Budget Act of 1997, including a general overhaul of reimbursement rates and administrative costs, it was in the spirit of streamlining the agency, controlling skyrocketing health care costs, and lengthening the solvency of the medicare program.

(8) The Health Care Financing Administration is considering implementing new emergency medical services reimbursement guidelines that would destabilize or eliminate the 2-tier system that has developed in the State of New Jersey.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Health Care Financing Administration should—

(1) consider the unique nature of the emergency medical services delivery system in New Jersey when implementing new reimbursement guidelines for paramedics and hospitals under the medicare program under title XVIII of the Social Security Act; and

(2) promote innovative emergency medical service systems enacted by States that reduce reimbursement costs to the medicare program while ensuring that all residents receive quick and appropriate emergency care when needed.

EDWARDS AMENDMENT NO. 3613

(Ordered to lie on the table.)

Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 27, line 24, before the period insert the following: '': *Provided further*, That of the $33,750,168 made available under this heading for syphilis and chlamydia elimination, not less than 70 percent of the amount by which such $33,750,168 is in excess of the amount made available for such purposes for fiscal year 2000 shall be used to implement the National Plan to Eliminate Syphilis''.

BAYH AMENDMENT NO. 3614

(Ordered to lie on the table.)

Mr. BAYH submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

Beginning on page 53, strike line 12 and all that follows through line 10 on page 54.

LOTT AMENDMENT NO. 3615

(Ordered to lie on the table.)

Mr. MURKOWSKI (for Mr. LOTT) submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the end, add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Energy Security and Federal Fuels Tax Relief Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) increasing dependence on foreign sources of oil causes systemic harm to all sectors of the domestic United States economy, threatens national security, undermines the ability of federal, state, and local units of government to provide essential services, and jeopardizes the peace, security, and welfare of the American people;

(2) dependence on imports of foreign oil was 46 percent in 1992, but has risen to more than 55 percent by the beginning of 2000, and is estimated by the Department of Energy to rise to 65 percent by 2020 unless current policies are altered;

(3) at the same time, despite increased energy efficiencies, energy use in the United States is expected to increase 27 percent by 2020.

(4) the United States lacks a comprehensive national energy policy and has taken actions that limit the availability and capability of the domestic energy sources of oil and gas, coal, nuclear and hydro;

(5) a comprehensive energy strategy needs to be developed to combat this trend, decrease the United States dependence on imported oil supplies and strengthen our national energy security;

(6) the goal of this comprehensive strategy must be to decrease the United States dependence on foreign oil supplies to not more than 50 percent by the year 2010;

(7) in order to meet this goal, this comprehensive energy strategy needs to be multi-faceted and include enhancing the use of renewable energy resources (including hydro, nuclear, solar, wind, and biomass), conserving energy resources (including improving energy efficiencies), and increasing domestic supplies of nonrenewable resources (including oil, natural gas, and coal);

(8) however, conservation efforts and alternative fuels alone will not enable America to meet this goal as conventional energy sources supply 96 percent of America's power at this time; and

(9) immediate actions also need to be taken in order to mitigate the effect of recent increases in oil prices on the American consumer, including the poor and the elderly.

(b) PURPOSES.—This purposes of this Act are to protect the energy security of the United States by decreasing America's dependency of foreign oil sources to not more than 50 percent by the year 2010 by enhancing the use of renewable energy resources,

conserving energy resources (including improving energy efficiencies), and increasing domestic energy supplies and to mitigate the immediate effect of increases in energy prices on the American consumer, including the poor and the elderly.

TITLE I—ENERGY SECURITY ACTIONS REQUIRED OF THE SECRETARY OF ENERGY

SEC. 101. ANNUAL REPORT ON UNITED STATES ENERGY INDEPENDENCE.

(a) REPORT.—Beginning on October 1, 2000, and annually thereafter, the Secretary of Energy, in consultation with the Secretary of Defense and the heads of other Federal agencies, shall submit a report to the President and the Congress which evaluates the progress the United States has made toward obtaining the goal of not more than 50 percent dependence on foreign oil sources by 2010. The Secretary shall adopt as interim goals, a reduction in dependence on oil imports to not more than 54 percent by 2005 and 52 percent by 2008.

(b) ALTERNATIVES.—The report shall specify what specific legislation or administrative actions must be implemented to meet this goal and set forth a range of options and alternatives with a benefit/cost analysis for each option or alternative together with an estimate for the contribution that each option or alternative could make to reduce foreign oil imports. The report shall indicate, in detail, options and alternatives (1) to increase the use of renewable domestic energy sources, including conventional and non-conventional sources such as, but not limited to, increased hydroelectric generation at existing Federal facilities, (2) to conserve energy resources, including improving efficiencies and decreasing consumption, and (3) to increase domestic production and use of oil, natural gas, and coal, including any actions that would need to be implemented to provide access to, and transportation of, these energy resources.

(c) REFINERY CAPACITY.—As part of the reports submitted in 2000, 2005, and 2008, the Secretary shall examine and report on the condition of the domestic refinery industry and the extent of domestic storage capacity for various categories of petroleum products and make such recommendations as he believes will enhance domestic capabilities to respond to short-term shortages of various fuels due to climate or supply interruptions.

SEC. 102. REPORT OF THE NATIONAL PETROLEUM COUNCIL.

The Secretary of Energy shall immediately review the report of the National Petroleum Council submitted to him on December 15, 1999, and shall submit such report, together with any recommendations for administrative or legislative actions, to the President no later than June 15, 2000.

SEC. 103. INTERAGENCY WORK GROUP ON NATURAL GAS.

(a) INTERAGENCY WORK GROUP.—The Secretary of Energy shall establish an Interagency Work Group on Natural Gas (referred to as ''Group'' in this subsection) within the National Economic Council. The Group shall include representatives from each Federal agency that has a significant role in the development and implementation of natural gas policy, resource assessment, or technologies for natural gas exploration, production, transportation, and use.

(b) STRATEGY AND COMPREHENSIVE POLICY.—The Group shall develop a strategy and comprehensive policy for the use of natural gas as an essential component of overall national objectives of energy security, economic growth, and environmental protection. In developing the strategy and policy, the Group shall solicit and consider suggestions from States and local units of government, industry, and other non-Federal groups, organizations, or individuals possessing information or expertise in one or more areas under review by the Group. The policy shall recognize the significant lead times required for the development of additional natural gas supplies and the delivery infrastructure required to transport those supplies. The Group shall consider, but is not limited to, issues of access to and development of resources, transportation, technology development, environmental regulation and the associated economic and environmental costs of alternatives, education of future workforce, financial incentives related to exploration, production, transportation, development, and use of natural gas.

(c) REPORT.—The Group shall prepare a report setting forth its recommendations on a comprehensive policy for the use of natural gas and the specific elements of a national strategy to achieve the objectives of the policy. The report shall be transmitted to the Secretary of Energy within six months from the date of the enactment of this Act.

(d) SECRETARY REVIEW.—The Secretary of Energy shall review the report and, within 3 months, submit the report, together with any recommendations for administrative or legislative actions, to the President and the Congress.

(e) TRENDS.—The Group shall monitor trends for the assumptions used in developing its report, including the specific elements of a national strategy to achieve the objectives of the comprehensive policy and shall advise the Secretary whenever it anticipates changes that might require alterations in the strategy.

(f) PROGRESS REPORT.—On June 1, 2002, and every two years thereafter, the Group shall submit a report to the President and the Congress evaluating the progress that has been made in the prior two years in implementing the strategy and accomplishing the objectives of the comprehensive policy.

TITLE II—AMENDMENTS TO ENERGY POLICY AND CONSERVATION ACT AND ACTIONS AFFECTING THE STRATEGIC PETROLEUM RESERVE

SEC. 201. AMENDMENTS TO TITLE I OF EPCA.

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(1) in section 161(h) (42 U.S.C. 6241), by—

(A) striking ''and'' at the end of (1)(A),

(B) striking '','' and inserting ''; and'' at the end of (1)(B), and

(C) inserting after paragraph (B) the following new paragraph:

''(C) concurs in the determination of the Secretary of Defense that action taken under this subsection will not impair national security.'', and

(D) striking ''Reserve'' and inserting ''Reserve, if the Secretary finds that action taken under this subsection will not have an adverse effect on the domestic petroleum industry.'' at the end of (1).;

(2) in section 166 (42 U.S.C. 6246), by striking ''March 31, 2000'' and inserting ''December 31, 2003''; and

(3) in section 181 (42 U.S.C. 6251), by striking ''March 31, 2000'' each place it appears and inserting ''December 31, 2003''.

SEC. 202. AMENDMENTS TO TITLE II OF EPCA.

Title II of the Energy Policy and Conservation Act (42 U.S.C. 6261–6285) is amended—

(1) in section 256(h) (42 U.S.C. 6276(h)), by inserting ''through 2003'' after ''1997''; and

(2) in section 281 (42 U.S.C. 6285), by striking 'March 31, 2000' each place it appears and inserting ''December 31, 2003''.

SEC. 203. STRATEGIC PETROLEUM RESERVE STUDY AND REPORT.

The President shall immediately establish an Interagency Panel on the Strategic Petroleum Study (referred to as the ''Panel'' in this section) to study oil markets and estimate the extent and frequency of fluctuations in the supply and price of, and demand for crude oil in the future and determine appropriate capacity of and uses for the Strategic Petroleum Reserve. The Panel may recommend changes in existing authorities to provide additional flexibility for and strengthen the ability of the Strategic Petroleum Reserve to respond to energy requirements. The Panel shall complete its study and submit a report containing its findings and any recommendations to the President and the Congress within six months from the date of enactment of this Act.

TITLE III—PROVISIONS TO PROTECT CONSUMERS AND LOW INCOME FAMILIES AND ENCOURAGE ENERGY EFFICIENCIES

SEC. 301. CHANGES IN WEATHERIZATION PROGRAM TO PROTECT LOW-INCOME PERSONS.

(a) The matter under the heading ''ENERGY CONSERVATION (INCLUDING TRANSFER OF FUNDS)'' in title II of the Department of the Interior and Related Agencies Appropriations Act, 2000 (113 Stat. 1535, 1501A–180), is amended by striking ''grants:'' and all that follows and inserting ''grants.''.

(b) Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) is amended—

(1) in subsection (a)(1) by striking the first sentence;

(2) in subsection (a)(2) by—

(A) striking ''(A)'',

(B) striking ''approve a State's application to waive the 40 percent requirement established in paragraph (1) if the State includes in its plan'' and inserting ''establish'', and

(C) striking subparagraph (B);

(3) in subsection (c)(1) by—

(A) striking ''paragraphs (3) and (4)'' and inserting ''paragraph (3)'',

(B) striking ''$1600'' and inserting ''$2500'',

(C) striking ''and'' at the end of subparagraph (C),

(D) striking the period and inserting '', and'' in subparagraph (D), and

(E) inserting after subparagraph (D) the following new subparagraph:

''(E) the cost of making heating and cooling modifications, including replacement'';

(4) in subsection (c)(3) by—

(A) striking ''1991, the $1600 per dwelling unit limitation'' and inserting ''2000, the $2500 per dwelling unit average'',

(B) striking ''limitation'' and inserting ''average'' each time it appears, and

(C) inserting ''the'' after ''beginning of'' in subparagraph (B); and

(5) by striking subsection (c)(4).

SEC. 302. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

(a) Part C of title II of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

''SEC. 273. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

''(a) DEFINITIONS.—In this section:

''(1) BUDGET CONTRACT.—The term 'budget contract' means a contract between a retailer and a consumer under which the heating expenses of the consumer are spread evenly over a period of months.

''(2) FIXED-PRICE CONTRACT.—The term 'fixed-price contract' means a contract between a retailer and a consumer under which the retailer charges the consumer a set price for propane, kerosene, or heating oil without regard to market price fluctuations.

''(3) PRICE CAP CONTRACT.—The term 'price cap contract' means a contract between a retailer and a consumer under which the retailer charges the consumer the market

price for propane, kerosene, or heating oil, but the cost of the propane, kerosene, or heating oil may not exceed a maximum amount stated in the contract.

''(b) ASSISTANCE.—At the request of the chief executive officer of a State, the Secretary shall provide information, technical assistance, and funding—

''(1) to develop education and outreach programs to encourage consumers to fill their storage facilities for propane, kerosene, and heating oil during the summer months; and

''(2) to promote the use of budget contracts, price cap contracts, fixed-price contracts, and other advantageous financial arrangements;

to avoid severe seasonal price increases for and supply shortages of those products.

''(c) PREFERENCE.—In implementing this section, the Secretary shall give preference to States that contribute public funds or leverage private funds to develop State summer fill and fuel budgeting programs.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $25,000,000 for fiscal year 2001; and

''(2) such sums as are necessary for each fiscal year thereafter.

''(e) INAPPLICABILITY OF EXPIRATION PROVISION.—Section 281 does not apply to this section.''.

(b) The table of contents in the first section of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the item relating to section 272 the following:

''Sec. 273. Summer fill and fuel budgeting programs.''.

SEC. 303. ENERGY EFFICIENCY SCIENCE INITIATIVE.

There are authorized to be appropriated $25,000,000 for fiscal year 2001 and such sums as are necessary for each fiscal year thereafter be for an Energy Efficiency Science Initiative to be managed by the Assistant Secretary for Energy Efficiency and Renewable Energy in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

SEC. 304. NORTHEAST HOME HEATING OIL RESERVE.

(a) AMENDMENT.—Title I of the Energy Policy and Conservation Act is amended by—

(1) redesignating part D as part E;

(2) redesignating section 181 as section 191; and

(3) inserting after part C the following new part D—

''PART D—NORTHEAST HOME HEATING OIL RESERVE

''ESTABLISHMENT

''SEC. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate in the Northeast, a Northeast Home Heating Oil Reserve. A Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.

''(b) For the purposes of this part—

''(1) the term 'Northeast' means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey; and

''(2) the term 'petroleum distillate' includes heating oil and diesel fuel.

''AUTHORITY

''SEC. 182. To the extent necessary or appropriate to carry out this part, the Secretary may—

''(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services;

''(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

''(3) acquire by purchase, exchange (including exchange of petroleum product from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

''(4) store petroleum distillate in facilities not owned by the United States;

''(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part; and

''(6) notwithstanding paragraph (5), on terms the Secretary considers reasonable, sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part in order to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

''CONDITIONS FOR RELEASE; PLAN

''SEC. 183. (a) The Secretary may release petroleum distillate from the Reserve under section 182(5) only in the event of—

''(1) a severe energy supply disruption;

''(2) a severe price increase; or

''(3) another emergency affecting the Northeast, which the President determines to merit a release from the Reserve.

''(b) Within 45 days of the date of the enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

''(1) the acquisition of storage and related facilities or storage services for the Reserve;

''(2) the acquisition of petroleum distillate for storage in the Reserve;

''(3) the anticipated methods of disposition of petroleum distillate from the Reserve; and

''(4) the estimated costs of establishment, maintenance, and operation of the Reserve.

The storage of petroleum distillate in a storage facility that meets existing environmental requirements is not a 'major Federal action significantly affecting the quality of the human environment' as that term is used in section 102(2)(C) of the National Environmental Policy Act of 1969.

''NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

''SEC. 184. (a) Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account known as the 'Northeast Home Heating Oil Reserve Account' (referred to in this section as the 'Account').

''(b) The Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

''(c) The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, and amounts available to the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

''EXEMPTIONS

''SEC. 185. An action taken under this part—

''(1) is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code; and

''(2) is not subject to laws governing the Federal procurement of goods and services, including the Federal Property and Administrative Services Act of 1949 (including the Competition in Contracting Act) and the Small Business Act.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out part D of title I of the Energy Policy and Conservation Act.

TITLE IV—PROVISIONS TO ENHANCE THE USE OF DOMESTIC ENERGY RESOURCES

Subtitle A—Hydroelectric Resources

SEC. 401. USE OF FEDERAL FACILITIES.

(a) The Secretary of the Interior and the Secretary of the Army shall each inventory all dams, impoundments, and other facilities under their jurisdiction.

(b) Based on this inventory and other information, the Secretary of the Interior and Secretary of the Army shall each submit a report to the Congress within six months from the date of enactment of this Act. Each report shall—

(1) Describe, in detail, each facility that is capable, with or without modification, of producing additional hydroelectric power. For each such facility, the report shall state the full potential for the facility to generate hydroelectric power, whether the facility is currently generating hydroelectric power, and the costs to install, upgrade, modify, or take other actions to increase the hydroelectric generating capability of the facility. For each facility that currently has hydroelectric generating equipment, the report shall indicate the condition of such equipment, the maintenance requirements, and the schedule for any improvements as well as the purposes for which power is generated.

(2) Describe what actions are planned and underway to increase the hydroelectric production from facilities under his jurisdiction and shall include any recommendations the Secretary deems advisable to increase such production, reduce costs, and improve efficiency at Federal facilities, including, but not limited to, use of lease of power privilege and contracting with non-Federal entities for operation and maintenance.

SEC. 402. EXPEDITED FERC HYDROELECTRIC LICENSING PROCEDURES.

The Federal Energy Regulatory Commission shall immediately undertake a comprehensive review of policies, procedures and regulations for the licensing of hydroelectric projects to determine how to reduce the cost and time of obtaining a license. The Commission shall report its findings within six months of the date of enactment to the Congress, including any recommendations for legislative changes.

Subtitle B—Nuclear Resources

SEC. 410. NUCLEAR GENERATION.

The Chairman of the Nuclear Regulatory Commission shall submit a report to the Congress within six months from the date of enactment of this Act on the state of nuclear power generation and production in the United States and the potential for increasing nuclear generating capacity and production as part of this nation's energy mix. The report shall also review the status of the relicensing process for civilian nuclear power plants, including current and anticipated applications, and recommendations for improvements in the process, including, but not limited to recommendations for expediting the process and ensuring that relicensing is accomplished in a timely manner.

SEC. 411. NRC HEARING PROCEDURE.

Section 189(a)(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(1)) is amended by adding at the end the following—

''(C) HEARINGS.—A hearing under this section shall be conducted using informal adjudicatory procedures established under sections 553 and 555 of title 5, United States Code, unless the Commission determines that formal adjudicatory procedures are necessary—

''(i) to develop a sufficient record; or

''(ii) to achieve fairness.''.

Subtitle C—Development of a National Spent Nuclear Fuel Strategy

SEC. 415. 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 reevaluated.

SEC. 416. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) ESTABLISHMENT.—There is hereby established an Office of Spent Nuclear Fuel Research (referred to as the ''Office'' in this section) 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 this Act.

(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)(1) DUTIES.—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 technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(C) conduct research and development activities on such technologies;

(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to 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) encourage that research efforts include participation of international collaborators;

(H) be authorized to fund international collaborators when they bring unique capabilities not available in the United States and their host country is unable to provide for their support;

(I) ensure that research efforts with the Office are coordinated with research on advance 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, including the process that has been made to achieve the objectives of paragraph (b).

Subtitle D—Coal Resources

SEC. 420. COAL GENERATING CAPACITY.

The Secretary of Energy shall examine existing coal-fired power plants and submit a report to the Congress within six months from the enactment of this Act on the potential of such plants for increased generation and any impediments to achieving such increase. The report shall describe, in detail, options for improving the efficiency of these plants. The report shall include recommendations for a program of research, development, demonstration, and commercial application to develop economically and environmentally acceptable advanced technologies for current electricity generation facilities using coal as the primary feedstock, including commercial-scale applications of advanced clean coal technologies. The report shall also include an assessment of the costs to develop and demonstrate such technologies and the time required to undertake such development and demonstration.

SEC. 425. COAL LIQUEFACTION.

The Secretary of Energy shall provide grants for the refinement and demonstration of new technologies for the conversion of coal to liquids. Such grants shall be for the design and construction of an indirect liquefaction plant capable of production in commercial quantities. There are authorized to be appropriated for the purpose of this section such sums as may be necessary through fiscal year 2004.

TITLE V—ARCTIC COASTAL PLAIN DOMESTIC ENERGY SECURITY ACT OF 2000

SEC. 501. SHORT TITLE

This title may be cited as the ''Arctic Coastal Plain Domestic Energy Security Act of 2000''.

SEC. 502. DEFINITIONS.

When used in this title the term—

(1) ''Coastal Plain'' means that area identified as such in the map entitled ''Arctic National Wildlife Refuge'', dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)) comprising approximately 1,549,000 acres; and

(2) ''Secretary'', except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 503. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) AUTHORIZATION.—The Congress hereby authorizes and directs the Secretary, acting through the Bureau of Land Management in consultation with the Fish and Wildlife Service and other appropriate Federal offices and agencies, to take such actions as are necessary to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain and to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and shall require the application of the best commercially available technology for oil and gas exploration, development, and production, on all new exploration, development, and production operations, and whenever practicable, on existing operations, and in a manner to ensure the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—The prohibitions and limitations contained in section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) are hereby repealed.

(c) COMPATIBILITY.—Congress hereby determines that the oil and gas leasing program and activities authorized by this section in the Coastal Plain are compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(d) SOLE AUTHORITY.—This title shall be the sole authority for leasing on the Coastal Plain: *Provided*, That nothing in this title shall be deemed to expand or limit State and local regulatory authority.

(e) FEDERAL LAND.—The Coastal Plain shall be considered ''Federal land'' for the purposes of the Federal Oil and Gas Royalty Management Act of 1982.

(f) SPECIAL AREAS.—The Secretary, after consultation with the State of Alaska, City of Kaktovik, and the North Slope Borough, is authorized to designate up to a total of 45,000 acres of the Coastal Plain as Special Areas and close such areas to leasing if the Secretary determines that these Special Areas are of such unique character and interest so as to require special management and regulatory protection. The Secretary may, however, permit leasing of all or portions of any Special Areas within the Coastal Plain by setting lease terms that limit or condition surface use and occupancy by lessees of such lands but permit the use of horizontal drilling technology from sites on leases located outside the designated Special Areas.

(g) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(h) CONVEYANCE.—In order to maximize Federal revenues by removing clouds on title of lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), is authorized and directed to convey (1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 2 of the Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611), and (2) to the Arctic Slope Regional Corporation the subsurface estate beneath such surface estate pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 504. RULES AND REGULATIONS.

(a) PROMULGATION.—The Secretary shall prescribe such rules and regulations as may be necessary to carry out the purposes and

provisions of this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and the environment of the Coastal Plain. Such rules and regulations shall be promulgated no later than fourteen months after the date of enactment of this title and shall, as of their effective date, apply to all operations conducted under a lease issued or maintained under the provisions of this title and all operations on the Coastal Plain related to the leasing, exploration, development, and production of oil and gas.

(b) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) of this section to reflect any significant biological, environmental, or engineering data which come to the Secretary's attention.

SEC. 505. ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.

The ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is hereby found by the Congress to be adequate to satisfy the legal and procedural requirements of the National Environmental Policy Act of 1969 with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of the leasing program authorized by this title, to conduct the first lease sale and any subsequent lease sale authorized by this title, and to grant rights-of-way and easements to carry out the purposes of this title.

SEC. 506. LEASE SALES.

(a) LEASE SALES.—Lands may be leased pursuant to the provisions of this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act, as amended (30 U.S.C. 181).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale; and

(2) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALES ON COASTAL PLAIN.—The Secretary shall, by regulation, provide for lease sales of lands on the Coastal Plain. When lease sales are to be held, they shall occur after the nomination process provided for in subsection (b) of this section. For the first lease sale, the Secretary shall offer for lease those acres receiving the greatest number of nominations, but no less than two hundred thousand acres and no more than three hundred thousand acres shall be offered. If the total acreage nominated is less than two hundred thousand acres, the Secretary shall include in such sale any other acreage which he believes has the highest resource potential, but in no event shall more than three hundred thousand acres of the Coastal Plain be offered in such sale. With respect to subsequent lease sales, the Secretary shall offer for lease no less than two hundred thousand acres of the Coastal Plain. The initial lease sale shall be held within twenty months of the date of enactment of this title. The second lease sale shall be held no later than twenty-four months after the initial sale, with additional sales conducted no later than twelve months thereafter so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 507. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary is authorized to grant to the highest responsible qualified bidder by sealed competitive cash bonus bid any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary and of such royalty as may be fixed in the lease, which shall be not less then 12½ per centum in amount or value of the production removed or sold from the lease.

(b) ANTITRUST REVIEW.—Following each notice of a proposed lease sale and before the acceptance of bids and the issuance of leases based on such bids, the Secretary shall allow the Attorney General, in consultation with the Federal Trade Commission, thirty days to perform an antitrust review of the results of such lease sale on the likely effects the issuance of such leases would have on competition and the Attorney General shall advise the Secretary with respect to such review, including any recommendation for the nonacceptance of any bid or the imposition of terms or conditions on any lease, as may be appropriate to prevent any situation inconsistent with the antitrust laws.

(c) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

(d) IMMUNITY.—Nothing in this title shall be deemed to convey to any person, association, corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions, under any antitrust law.

(e) DEFINITIONS.—As used in this section, the term—

(1) ''antitrust review'' shall be deemed an ''antitrust investigation'' for the purposes of the Antitrust Civil Process Act (15 U.S.C. 1311); and

(2) ''antitrust laws'' means those Acts set forth in section 1 of the Clayton Act (15 U.S.C. 12) as amended.

SEC. 508. LEASE TERMS AND CONDITIONS.

An oil or gas lease issued pursuant to this title shall—

(1) be for a tract consisting of a compact area not to exceed five thousand seven hundred sixty acres, or nine surveyed or protracted sections which shall be as compact in form as possible;

(2) be for an initial period of ten years and shall be extended for so long thereafter as oil or gas is produced in paying quantities from the lease or unit area to which the lease is committed or for so long as drilling or reworking operations, as approved by the Secretary, are conducted on the lease or unit area;

(3) require the payment of royalty as provided for in section 507 of this title;

(4) require that exploration activities pursuant to any lease issued or maintained under this title shall be conducted in accordance with an exploration plan or a revision of such plan approved by the Secretary;

(5) require that all development and production pursuant to a lease issued or maintained pursuant to this title shall be conducted in accordance with development and production plans approved by the Secretary;

(6) require posting of bond as required by section 509 of this title;

(7) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(8) contain such provisions relating to rental and other fees as the Secretary may prescribe at the time of offering the area for lease;

(9) provide that the Secretary may direct or assent to the suspension of operations and production under any lease granted under the terms of this title in the interest of conservation of the resource or where there is no available system to transport the resource. If such a suspension is directed or assented to by the Secretary, any payment of rental prescribed by such lease shall be suspended during such period of suspension of operations and production, and the term of the lease shall be extended by adding any such suspension period thereto;

(10) provide that whenever the owner of a nonproducing lease fails to comply with any of the provisions of this Act, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this title, such lease may be canceled by the Secretary if such default continues for more than thirty days after mailing of notice by registered letter to the lease owner at the lease owner's post office address of record;

(11) provide that whenever the owner of any producing lease fails to comply with any of the provisions of this title, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this title, such lease may be forfeited and canceled by any appropriate proceeding brought by the Secretary in any United States district court having jurisdiction under the provisions of this title;

(12) provide that cancellation of a lease under this title shall in no way release the owner of the lease from the obligation to provide for reclamation of the lease site;

(13) allow the lessee, at the discretion of the Secretary, to make written relinquishment of all rights under any lease issued pursuant to this title. The Secretary shall accept such relinquishment by the lessee of any lease issued under this title where there has not been surface disturbance on the lands covered by the lease;

(14) provide that for the purpose of conserving the natural resources of any oil or gas pool, field, or like area, or any part thereof, and in order to avoid the unnecessary duplication of facilities, to protect the environment of the Coastal Plain, and to protect correlative rights, the Secretary shall require that, to the greatest extent practicable, lessees unite with each other in collectively adopting and operating under a cooperative or unit plan of development for operation of such pool, field, or like area, or any part thereof, and the Secretary is also authorized and directed to enter into such agreements as are necessary or appropriate for the protection of the United States against drainage;

(15) require that the holder of a lease or leases on lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands adversely affected in connection with exploration, development, production or transportation activities on a lease within the Coastal Plain by the holder of a lease or as a result of activities conducted on the lease by any of the leaseholder's subcontractors or agents;

(16) provide that the holder of a lease may not delegate or convey, by contract of otherwise, the reclamation responsibility and liability to another party without the express written approval of the Secretary;

(17) provide that the standard of reclamation for lands required to be reclaimed under this title be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee,

to a higher or better use as approved by the Secretary;

(18) contain the terms and conditions relating to protection of fish and wildlife, their habitat, and the environment, as required by section 503(a) of this title;

(19) provide that the holder of a lease, its agents, and contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(20) require project agreements to the extent feasible that will ensure productivity and consistency recognizing a national interest in both labor stability and the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under leases issued pursuant to this Act; and

(21) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

SEC. 509. BONDING REQUIREMENTS TO ENSURE FINANCIAL RESPONSIBILITY OF LESSEE AND AVOID FEDERAL LIABILITY.

(a) REQUIREMENT.—The Secretary shall, by rule or regulation, establish such standards as may be necessary to ensure that an adequate bond, surety, or other financial arrangement will be established prior to the commencement of surface disturbing activities on any lease, to ensure the complete and timely reclamation of the lease tract, and the restoration of any lands or surface waters adversely affected by lease operations after the abandonment or cessation of oil and gas operations on the lease. Such bond, surety, or financial arrangement is in addition to, and not in lieu, of any bond, surety, or financial arrangement required by any other regulatory authority or required by any other provision of law.

(b) AMOUNT.—The bond, surety, or financial arrangement shall be in an amount—

(1) to be determined by the Secretary to provide for reclamation of the lease site in accordance with an approved or revised exploration or development and production plan; plus

(2) set by the Secretary consistent with the type of operations proposed, to provide the means for rapid and effective cleanup, and to minimize damages resulting from an oil spill, the escape of gas, refuse, domestic wastewater, hazardous or toxic substances, or fire caused by oil and gas activities.

(c) ADJUSTMENT.—In the event that an approved exploration or development and production plan is revised, the Secretary may adjust the amount of the bond, surety, or other financial arrangement to conform to such modified plan.

(d) DURATION.—The responsibility and liability of the lessee and its surety under the bond, surety, or other financial arrangement shall continue until such time as the Secretary determines that there has been compliance with the terms and conditions of the lease and all applicable law.

(e) TERMINATION.—Within sixty days after determining that there has been compliance with the terms and conditions of the lease and all applicable laws, the Secretary, after consultation with affected Federal and State agencies, shall notify the lessee that the period of liability under the bond, surety, or other financial arrangement has been terminated.

SEC. 510. OIL AND GAS INFORMATION.

(a) IN GENERAL.—(1) Any lessee or permittee conducting any exploration for, or development or production of, oil or gas pursuant to this title shall provide the Secretary access to all data and information from any lease granted pursuant to this title (including processed and analyzed) obtained from such activity and shall provide copies of such data and information as the Secretary may request. Such data and information shall be provided in accordance with regulations which the Secretary shall prescribe.

(2) If processed and analyzed information provided pursuant to paragraph (1) is provided in good faith by the lessee or permittee, such lessee or permittee shall not be responsible for any consequence of the use or of reliance upon such processed and analyzed information.

(3) Whenever any data or information is provided to the Secretary, pursuant to paragraph (1)—

(A) by a lessee or permittee, in the form and manner of processing which is utilized by such lessee or permittee in the normal conduct of business, the Secretary shall pay the reasonable cost of reproducing such data and information; or

(B) by a lessee or permittee, in such other form and manner of processing as the Secretary may request, the Secretary shall pay the reasonable cost of processing and reproducing such data and information.

(b) REGULATIONS.—The Secretary shall prescribe regulations to: (1) assure that the confidentiality of privileged or proprietary information received by the Secretary under this section will be maintained; and (2) set forth the time periods and conditions which shall be applicable to the release of such information.

SEC. 511. EXPEDITED JUDICIAL REVIEW.

(a) Any complaint seeking judicial review of any provision in this title, or any other action of the Secretary under this title may be filed in any appropriate district court of the United States, and such complaint must be filed within ninety days from the date of the action being challenged, or after such date if such complaint is based solely on grounds arising after such ninetieth day, in which case the complaint must be filed within ninety days after the complainant knew or reasonably should have known of the grounds for the complaint: *Provided*, That any complaint seeking judicial review of an action of the Secretary in promulgating any regulation under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(b) Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 512. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

Notwithstanding title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.), the Secretary is authorized and directed to grant, in accordance with the provisions of section 28 (c) through (t) and (v) through (y) of the Mineral Leasing Act of 1920 (30 U.S.C. 185), rights-of-way and easements across the Coastal Plain for the transportation of oil and gas under such terms and conditions as may be necessary so as not to result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain. Such terms and conditions shall include requirements that facilities be sited or modified so as to avoid unnecessary duplication of roads and pipelines. The regulations issued as required by section 504 of this title shall include provisions granting rights-of-way and easements across the Coastal Plain.

SEC. 513. ENFORCEMENT OF SAFETY AND ENVIRONMENTAL REGULATIONS TO ENSURE COMPLIANCE WITH TERMS AND CONDITIONS OF LEASE.

(a) RESPONSIBILITY OF THE SECRETARY.—The Secretary shall diligently enforce all regulations, lease terms, conditions, restrictions, prohibitions, and stipulations promulgated pursuant to this title.

(b) RESPONSIBILITY OF HOLDERS OF LEASE.—It shall be the responsibility of any holder of a lease under this title to—

(1) maintain all operations within such lease area in compliance with regulations intended to protect persons and property on, and fish and wildlife, their habitat, subsistence resources, and the environment of, the Coastal Plain; and

(2) allow prompt access at the site of any operations subject to regulation under this title to any appropriate Federal or State inspector, and to provide such documents and records which are pertinent to occupational or public health, safety, or environmental protection, as may be requested.

(c) ON-SITE INSPECTION.—The Secretary shall promulgate regulations to provide for—

(1) scheduled onsite inspection by the Secretary, at least twice a year, of facility on the Coastal Plain which is subject to any environmental or safety regulation promulgated pursuant to this title or conditions contained in any lease issue pursuant to this title to assure compliance with such environmental or safety regulations or conditions; and

(2) periodic onsite inspection by the Secretary at least once a year without advance notice to the operator of such facility to assure compliance with all environmental or safety regulations.

SEC. 514. NEW REVENUES.

Notwithstanding any other provision of law, all revenues received by the Federal Government from competitive bids, sales, bonuses, royalties, rents, fees, or interest derived from the leasing of oil and gas within the Coastal Plain shall be deposited into the Treasury of the United States, solely as provided in this section. The Secretary of the Treasury shall pay to the State of Alaska the same percentage of such revenues as is set forth under the heading ''EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA'' in Public Law 96–514 (94 Stat. 2957, 2964) semiannually to the State of Alaska, on March 30 and September 30 of each year and shall deposit the balance of all such revenues as miscellaneous receipts in the Treasury.

TITLE VI—IMPROVEMENTS TO FEDERAL OIL AND GAS LEASE MANAGEMENT

SEC. 601. TITLE.

This title may be cited as the ''Federal Oil and Gas Lease Management Improvement Act of 2000''.

SEC. 602. DEFINITIONS.

In this title—

(a) APPLICATION FOR A PERMIT TO DRILL.—The term ''application for a permit to drill'' means a drilling plan including design, mechanical, and engineering aspects for drilling a well.

(b) FEDERAL LAND.—

(1) IN GENERAL.—The term ''Federal land'' means all land and interests in land owned by the United States that are subject to the mineral leasing laws, including mineral resources or mineral estates reserved to the United States in the conveyance of a surface or nonmineral estate.

(2) EXCLUSION.—The term ''Federal land'' does not include—

(i) Indian land (as defined in section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702)); or

(ii) submerged land on the Outer Continental Shelf (as defined in section 2 of the

Outer Continental Shelf Lands Act (43 U.S.C. 1331)).

(c) OIL AND GAS CONSERVATION AUTHORITY.—The term ''oil and gas conservation authority'' means the agency or agencies in each State responsible for regulating for conservation purposes operations to explore for and produce oil and natural gas.

(d) PROJECT.—The term ''project'' means an activity by a lessee, an operator, or an operating rights owner to explore for, develop, produce, or transport oil or gas resources.

(e) SECRETARY.—The term ''Secretary'' means—

(1) the Secretary of the Interior, with respect to land under the administrative jurisdiction of the Department of the Interior; and

(2) the Secretary of Agriculture, with respect to land under the administrative jurisdiction of the Department of Agriculture.

(f) SURFACE USE PLAN OF OPERATIONS.—The term ''surface use plan of operations'' means a plan for surface use, disturbance, and reclamation.

SEC. 603. NO PROPERTY RIGHT.

Nothing in this title gives a State a property right or interest in any Federal lease or land.

Subtitle A—State Option To Regulate Oil and Gas Lease Operations on Federal Land

SEC. 610. TRANSFER OF AUTHORITY.

(a) NOTIFICATION.—Not before the date that is 180 days after the date of enactment of this Act, a State may notify the Secretary of its intent to accept authority for regulation of operations, as described in subparagraphs (A) through (K) of subsection (b)(2), under oil and gas leases on Federal land within the State.

(b) TRANSFER OF AUTHORITY.—

(1) IN GENERAL.—Effective 180 days after the Secretary receives the State's notice, authority for the regulation of oil and gas leasing operations is transferred from the Secretary to the State.

(2) AUTHORITY INCLUDED.—The authority transferred under paragraph (1) includes—

(A) processing and approving applications for permits to drill, subject to surface use agreements and other terms and conditions determined by the Secretary;

(B) production operations;

(C) well testing;

(D) well completion;

(E) well spacing;

(F) communization;

(G) conversion of a producing well to a water well;

(H) well abandonment procedures;

(I) inspections;

(J) enforcement activities; and

(K) site security.

(c) RETAINED AUTHORITY.—The Secretary shall—

(1) retain authority over the issuance of leases and the approval of surface use plans of operations and project-level environmental analyses; and

(2) spend appropriated funds to ensure that timely decisions are made respecting oil and gas leasing, taking into consideration multiple uses of Federal land, socioeconomic and environmental impacts, and the results of consultations with State and local government officials.

SEC. 611. ACTIVITY FOLLOWING TRANSFER OF AUTHORITY.

(a) FEDERAL AGENCIES.—Following the transfer of authority, no Federal agency shall exercise the authority formerly held by the Secretary as to oil and gas lease operations and related operations on Federal land.

(b) STATE AUTHORITY.—

(1) IN GENERAL.—Following the transfer of authority, each State shall enforce its own oil and gas conservation laws and requirements pertaining to transferred oil and gas lease operations and related operations with due regard to the national interest in the expedited, environmentally sound development of oil and gas resources in a manner consistent with oil and gas conservation principles.

(2) APPEALS.—Following a transfer of authority under section 610, an appeal of any decision made by a State oil and gas conservation authority shall be made in accordance with State administrative procedures.

(c) PENDING ENFORCEMENT ACTIONS.—The Secretary may continue to enforce any pending actions respecting acts committed before the date on which authority is transferred to a State under section 610 until those proceedings are concluded.

(d) PENDING APPLICATIONS.—

(1) TRANSFER TO STATE.—All applications respecting oil and gas lease operations and related operations on Federal land pending before the Secretary on the date on which authority is transferred under section 610 shall be immediately transferred to the oil and gas conservation authority of the State in which the lease is located.

(2) ACTION BY THE STATE.—The oil and gas conservation authority shall act on the application in accordance with State laws (including regulations) and requirements.

Subtitle B—Use of Cost Savings From State Regulation

SEC. 621. COMPENSATION FOR COSTS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall compensate any State for costs incurred to carry out the authorities transferred under section 610.

(b) PAYMENT SCHEDULE.—Payments shall be made not less frequently than every quarter.

(c) COST BREAKDOWN REPORT.—Each State seeking compensation shall report to the Secretary a cost breakdown for the authorities transferred.

(d) LIMITATION ON AMOUNT.—

(1) IN GENERAL.—Compensation to a State may not exceed 50 percent of the Secretary's allocated cost for oil and gas leasing activities under section 35(b) of the Act of February 25, 1920 (commonly known as the ''Mineral Leasing Act'') (30 U.S.C. 191(b)) for the State for fiscal year 1997.

(2) ADJUSTMENT.—The Secretary shall adjust the maximum level of cost compensation at least once every 2 years to reflect any increases in the Consumer Price Index (all items, United States city average) as prepared by the Department of Labor, using 1997 as the baseline year.

SEC. 622. EXCLUSION OF COSTS OF PREPARING PLANNING DOCUMENTS AND ANALYSES.

Section 35 of the Act of February 25, 1920 (30 U.S.C. 191(b)) is amended by adding at the end the following:

''(6) The Secretary shall not include, for the purpose of calculating the deduction under paragraph (1), costs of preparing resource management planning documents and analyses for areas in which mineral leasing is excluded or areas in which the primary activity under review is not mineral leasing and development.''.

SEC. 623. RECEIPT SHARING.

Section 35(b) of the Act of February 25, 1920 (30 U.S.C. 191(b)) is amended by striking ''paid to States'' and inserting ''paid to States (other than States that accept a transfer of authority under section 610 of the Federal Oil and Gas Lease Management Act of 2000)''.

Subtitle C—Streamlining and Cost Reduction

SEC. 631. APPLICATIONS.

(a) LIMITATION ON COST RECOVERY.—Notwithstanding sections 304 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 9701 of title 31, United State Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating to oil and gas leases.

(b) COMPLETION OF PLANNING DOCUMENTS AND ANALYSES.—

(1) IN GENERAL.—The Secretary shall complete any resource management planning documents and analyses not later than 90 days after receiving any offer, application, or request for which a planning document or analysis is required to be prepared.

(2) PREPARATION BY APPLICANT OR LESSEE.—If the Secretary is unable to complete the document or analysis within the time prescribed by paragraph (1), the Secretary shall notify the applicant or lessee of the opportunity to prepare the required document or analysis for the agency's review and use in decisionmaking.

(c) REIMBURSEMENT FOR COSTS OF NEPA OF ANALYSES, DOCUMENTATION, AND STUDIES.—If—

(1) adequate funding to enable the Secretary to timely prepare a project-level analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an oil or gas lease is not appropriated; and

(2) the lessee, operator, or operating rights owner voluntarily pays for the cost of the required analysis, documentation, or related study;

the Secretary shall reimburse the lessee, operator, or operating rights owner for its costs through royalty credits attributable to the lease, unit agreement, or project area.

SEC. 632. TIMELY ISSUANCE OF DECISIONS.

(a) IN GENERAL.—The Secretary shall ensure the timely issuance of Federal agency decisions respecting oil and gas leasing and operations on Federal land.

(b) OFFER TO LEASE.—

(1) DEADLINE.—The Secretary shall accept or reject an offer to lease not later than 90 days after the filing of the offer.

(2) FAILURE TO MEET DEADLINE.—If an offer is not acted upon within that time, the offer shall be deemed to have been accepted.

(c) APPLICATION FOR PERMIT TO DRILL.—

(1) DEADLINE.—The Secretary and a State that has accepted a transfer of authority under section 610 shall approve or disapprove an application for permit to drill not later than 30 days after receiving a complete application.

(2) FAILURE TO MEET DEADLINE.—If the application is not acted on within the time prescribed by paragraph (1), the application shall be deemed to have been approved.

(d) SURFACE USE PLAN OF OPERATIONS.—The Secretary shall approve or disapprove a surface use plan of operations not later than 30 days after receipt of a complete plan.

(e) ADMINISTRATIVE APPEALS.—

(1) DEADLINE.—From the time that a Federal oil and gas lessee or operator files a notice of administrative appeal of a decision or order of an officer or employee of the Department of the Interior or the Forest Service respecting a Federal oil and gas Federal lease, the Secretary shall have 2 years in which to issue a final decision in the appeal.

(2) FAILURE TO MEET DEADLINE.—If no final decision has been issued within the time prescribed by paragraph (1), the appeal shall be deemed to have been granted.

SEC. 633. ELIMINATION OF UNWARRANTED DENIALS AND STAYS.

(a) IN GENERAL.—The Secretary shall ensure that unwarranted denials and stays of lease issuance and unwarranted restrictions on lease operations are eliminated from the administration of oil and gas leasing on Federal land.

(b) LAND DESIGNATED FOR MULTIPLE USE.—

(1) IN GENERAL.—Land designated as available for multiple use under Bureau of Land Management resource management plans and Forest Service leasing analyses shall be available for oil and gas leasing without lease stipulations more stringent than restrictions on surface use and operations imposed under the laws (including regulations) of the State oil and gas conservation authority unless the Secretary includes in the decision approving the management plan or leasing analysis a written explanation why more stringent stipulations are warranted.

(2) APPEAL.—Any decision to require a more stringent stipulation shall be administratively appealable and, following a final agency decision, shall be subject to judicial review.

(c) REJECTION OF OFFER TO LEASE.—

(1) IN GENERAL.—If the Secretary rejects an offer to lease on the ground that the land is unavailable for leasing, the Secretary shall provide a written, detailed explanation of the reasons the land is unavailable for leasing.

(2) PREVIOUS RESOURCE MANAGEMENT DECISION.—If the determination of unavailability is based on a previous resource management decision, the explanation shall include a careful assessment of whether the reasons underlying the previous decision are still persuasive.

(3) SEGREGATION OF AVAILABLE LAND FROM UNAVAILABLE LAND.—The Secretary may not reject an offer to lease land available for leasing on the ground that the offer includes land unavailable for leasing, and the Secretary shall segregate available land from unavailable land, on the offeror's request following notice by the Secretary, before acting on the offer to lease.

(d) DISAPPROVAL OR REQUIRED MODIFICATION OF SURFACE USE PLANS OF OPERATIONS AND APPLICATION FOR PERMIT TO DRILL.—The Secretary shall provide a written, detailed explanation of the reasons for disapproving or requiring modifications of any surface use plan of operations or application for permit to drill.

(e) EFFECTIVENESS OF DECISION.—A decision of the Secretary respecting an oil and gas lease shall be effective pending administrative appeal to the appropriate office within the Department of the Interior or the Department of Agriculture unless that office grants a stay in response to a petition satisfying the criteria for a stay established by section 4.21(b) of title 43, Code of Federal Regulations (or any successor regulation).

SEC. 634. REPORTS.

(a) IN GENERAL.—Not later than March 31, 2001, the Secretaries shall jointly submit to the Congress a report explaining the most efficient means of eliminating overlapping jurisdiction, duplication of effort, and inconsistent policymaking and policy implementation as between the Bureau of Land Management and the Forest Service.

(b) RECOMMENDATIONS.—The report shall include recommendations on statutory changes needed to implement the report's conclusions.

SEC. 635. SCIENTIFIC INVENTORY OF OIL AND GAS RESERVES.

(a) IN GENERAL.—Not later than March 31, 2001, the Secretary of the Interior, in consultation with the Director of the United States Geological Survey, shall publish, through notice in the Federal Register, a science-based national inventory of the oil and gas reserves and potential resources underlying Federal land and the Outer Continental Shelf.

(b) CONTENTS.—The inventory shall—

(1) indicate what percentage of the oil and gas reserves and resources is currently available for leasing and development; and

(2) specify the percentages of the reserves and resources that are on—

(A) land that is open for leasing as of the date of enactment of this Act that has never been leased;

(B) land that is open for leasing or development subject to no surface occupancy stipulations; and

(C) land that is open for leasing or development subject to other lease stipulations that have significantly impeded or prevented, or are likely to significantly impede or prevent, development; and

(3) indicate the percentage of oil and gas resources that are not available for leasing or are withdrawn from leasing.

(c) PUBLIC COMMENT.—

(1) IN GENERAL.—The Secretary of the Interior shall invite public comment on the inventory to be filed not later than September 30, 2001.

(2) RESOURCE MANAGEMENT DECISIONS.—Specifically, the Secretary of the Interior shall invite public comment on the effect of Federal resource management decisions on past and future oil and gas development.

(d) REPORT.—

(1) IN GENERAL.—Not later than March 31, 2002, the Secretary of the Interior shall submit to the President of the Senate and the Speaker of the House of Representatives a report comprised of the revised inventory and responses to the public comments.

(2) CONTENTS.—The report shall specifically indicate what steps the Secretaries believe are necessary to increase the percentage of land open for development of oil and gas resources.

Subtitle D—Federal Royalty Certainty

SEC. 641. DEFINITIONS.

In this subtitle.—

(a) MARKETABLE CONDITION.—The term ''marketable condition'' means lease production that is sufficiently free from impurities and otherwise in a condition that the production will be accepted by a purchaser under a sales contract typical for the field or area.

(b) REASONABLE COMMERCIAL RATE.—

(1) IN GENERAL.—The term ''reasonable commercial rate'' means—

(A) in the case of an arm's-length contract, the actual cost incurred by the lessee; or

(B) in the case of a non-arm's-length contract—

(i) the rate charged in a contract for similar services in the same area between parties with opposing economic interests; or

(ii) if there are no arm's-length contracts for similar services in the same area, the just and reasonable rate for the transportation service rendered by the lessee or lessee's affiliate.

(2) DISPUTES.—Disputes between the Secretary and a lessee over what constitutes a just and reasonable rate for such service shall be resolved by the Federal Energy Regulatory Commission.

SEC. 642. AMENDMENT OF OUTER CONTINENTAL SHELF LANDS ACT.

Section 8(b)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(b)(3)) is amended by striking the semicolon at the end and adding the following:

''*: Provided,* That if the payment is in value or amount, the royalty due in value shall be based on the value of oil or gas production at the lease in marketable condition, and the royalty due in amount shall be based on the royalty share of production at the lease; if the payment in value or amount is calculated from a point away from the lease, the payment shall be adjusted for quality and location differentials, and the lessee shall be allowed reimbursements at a reasonable commercial rate for transportation (including transportation to the point where the production is put in marketable condition), marketing, processing, and other services beyond the lease through the point of sale, other disposition, or delivery;''.

SEC. 643. AMENDMENT OF MINERAL LEASING ACT.

Section 17(c) of the Act of February 25, 1920 (30 U.S.C. 226(c)) (commonly known as the ''Mineral Leasing Act''), is amended by adding at the end the following:

''(3) ROYALTY DUE IN VALUE.—

''(A) IN GENERAL.—Royalty due in value shall be based on the value of oil or gas production at the lease in marketable condition, and the royalty due in amount shall be based on the royalty share of production at the lease.

''(B) CALCULATION OF VALUE OR AMOUNT FROM A POINT AWAY FROM A LEASE.—If the payment in value or amount is calculated from a point away from the lease—

''(i) the payment shall be adjusted for quality and location differentials; and

''(ii) the lessee shall be allowed reimbursements at a reasonable commercial rate for transportation (including transportation to the point where the production is put in marketable condition), marketing, processing, and other services beyond the lease through the point of sale, other disposition, or delivery;''.

SEC. 644. INDIAN LAND.

This subtitle shall not apply with respect to Indian land.

Subtitle E—Royalty Reinvestment in America

SEC. 651. ROYALTY INCENTIVE PROGRAM.

(a) IN GENERAL.—To encourage exploration and development expenditures on Federal land and the Outer Continental Shelf for the development of oil and gas resources when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart is less than $18 per barrel for 90 consecutive pricing days or when natural gas prices as delivered at Henry Hub, Louisiana, are less than $2.30 per million British thermal units for 90 consecutive days, the Secretary shall allow a credit against the payment of royalties on Federal oil production and gas production, respectively, in an amount equal to 20 percent of the capital expenditures made on exploration and development activities on Federal oil and gas leases.

(b) NO CREDITING AGAINST ONSHORE FEDERAL ROYALTY OBLIGATIONS.—In no case shall such capital expenditures made on Outer Continental Shelf leases be credited against onshore Federal royalty obligations.

SEC. 652. MARGINAL WELL PRODUCTION INCENTIVES.

To enhance the economics of marginal oil and gas production by increasing the ultimate recovery from marginal wells when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index Chart is less than $18 per barrel for 90 consecutive pricing days or when natural gas prices are delivered at Henry Hub, Louisiana, are less than $2.30 per million British thermal units for 90 consecutive days, the Secretary shall reduce the royalty rate as production declines for—

(1) onshore oil wells producing less than 30 barrels per day;

(2) onshore gas wells producing less than 120 million British thermal units per day;

(3) offshore oil wells producing less than 300 barrels of oil per day; and

(4) offshore gas wells producing less than 1,200 million British thermal units per day.

SEC. 653. SUSPENSION OF PRODUCTION ON OIL AND GAS OPERATIONS.

(a) IN GENERAL.—Any person operating an oil well under a lease issued under the Act of February 25, 1920 (commonly known as the

''Mineral Leasing Act'') (30 U.S.C. 181 et seq.) or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) may submit a notice to the Secretary of the Interior of suspension of operation and production at the well.

(b) PRODUCTION QUANTITIES NOT A FACTOR.—A notice under subsection (a) may be submitted without regard to per day production quantities at the well and without regard to the requirements of subsection (a) of section 3103.4–4 of title 43 of the Code of Federal Regulations (or any successor regulation) respecting the granting of such relief, except that the notice shall be submitted to an office in the Department of the Interior designated by the Secretary of the Interior.

(c) PERIOD OF RELIEF.—On submission of a notice under subsection (a) for an oil well, the operator of the well may suspend operation and production at the well for a period beginning on the date of submission of the notice and ending on the later of—

(1) the date that is 2 years after the date on which the suspension of operation and production commences; or

(2) the date on which the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart is greater than $15 per barrel for 90 consecutive pricing days.

TITLE VII—FRONTIER OIL AND GAS EXPLORATION AND DEVELOPMENT INCENTIVES

SEC. 701. TITLE.

This title may be cited as the ''Frontier Exploration and Development Incentives Act of 2000''.

SEC. 702. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) Section 8(a)(1)(D) of the Outer Continental Shelf Lands Act, (43 U.S.C. 1337(a)(1)(D)) is amended by striking the word ''area;'' and inserting in lieu thereof the word ''area,'' and the following new text: ''except in the Arctic areas of Alaska, where the Secretary is authorized to set the net profit share at 16⅔ percent. For purposes of this section, 'Arctic areas' means the Beaufort Sea and Chukchi Sea Planning Areas of Alaska.''.

(b) Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)) is amended by adding a new subparagraph (10) at the end thereof:

''(10) After an oil and gas lease is granted pursuant to any of the bidding systems of paragraph (1) of this subsection, the Secretary shall reduce any future royalty or rental obligation of the lessee on any lease issued by the Secretary (and proposed by the lessee for such reduction) by an amount equal to (a) 10 percent of the qualified costs of exploratory wells drilled or geophysical work performed on any lease issued by the Secretary, whichever is greater, pursuant to this Act in Arctic areas and (b) an additional 10 percent of the qualified costs of any such exploratory wells which are located ten or more miles from another well drilled for oil and gas. For purposes of this Act—'qualified costs' shall mean the costs allocated to the exploratory well or geophysical work in support of an exploration program pursuant to 26 U.S.C. as amended; 'exploratory well' shall mean either an exploratory well as defined by the United States Securities and Exchange Commission in 17 C.F.R. 210.4–10(a)(10), as amended, or a well three or more miles from any oil or gas well or a pipeline which transports oil or gas to a market or terminal; 'geophysical work' shall mean all geophysical data gathering methods used in hydrocarbon exploration and includes seismic, gravity, magnetic, and electromagnetic measurements; and, all distances shall be measured in horizontal distance. When a measurement beginning or ending point is a well, the measurement point shall be the bottom hole location of that well.''.

TITLE VII—TAX MEASURES TO ENHANCE DOMESTIC OIL AND GAS PRODUCTION

Subtitle A—Marginal Well Preservation

SEC. 801. SHORT TITLE; PURPOSE; AMENDMENT OF 1986 CODE.

(a) This subtitle may be cited as the ''Marginal Well Preservation Act of 2000''.

(b) The purpose of section 802 is to prevent the abandonment of marginal oil and gas wells responsible for half of the domestic production of oil and gas in the United States and of section 803 is to recognize that geological and geophysical expenditures and delay rentals are ordinary and necessary business expenses that should be deducted in the year the expense is incurred.

(c) Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 802. TAX CREDIT FOR MARGINAL DOMESTIC OIL AND NATURAL GAS WELL PRODUCTION.

(a) Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

''SEC. 45D. CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

''(a) GENERAL RULE.—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

''(1) the credit amount, and

''(2) the qualified crude oil production and the qualified natural gas production which is attributable to the taxpayer.

''(b) CREDIT AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The credit amount is—

''(A) $3 per barrel of qualified crude oil production, and

''(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

''(2) REDUCTION AS OIL AND GAS PRICES INCREASE.—

''(A) IN GENERAL.—The $3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

''(i) the excess (if any) of the applicable reference price over $14 ($1.56 for qualified natural gas production), bears to

''(ii) $3 ($0.33 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price for the calendar year preceding the calendar year in which the taxable year begins.

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2000, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '1999' for '1990').

''(C) REFERENCE PRICE.—For purposes of this paragraph, the term 'reference price' means, with respect to any calendar year—

''(i) in the case of qualified crude oil production, the reference price determined under section 29(d)(2)(C), and

''(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

''(c) QUALIFIED CRUDE OIL AND NATURAL GAS PRODUCTION.—For purposes of this section—

''(1) IN GENERAL.—The terms 'qualified crude oil production' and 'qualified natural gas production' mean domestic crude oil or natural gas which is produced from a marginal well.

''(2) LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.—

''(A) IN GENERAL.—Crude oil or natural gas produced during any taxable year from any well shall not be treated as qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel equivalents.

''(B) PROPORTIONATE REDUCTIONS.—

''(i) SHORT TAXABLE YEARS.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

''(ii) WELLS NOT IN PRODUCTION ENTIRE YEAR.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

''(3) DEFINITIONS.—

''(A) MARGINAL WELL.—The term 'marginal well' means a domestic well—

''(i) the production from which during the taxable year is treated as marginal production under section 613A(c)(6), or

''(ii) which, during the taxable year—

''(I) has average daily production of not more than 25 barrel equivalents, and

''(II) produces water at a rate not less than 95 percent of total well effluent.

''(B) CRUDE OIL, ETC.—The terms 'crude oil', 'natural gas', 'domestic', and 'barrel' have the meanings given such terms by section 613A(e).

''(C) BARREL EQUIVALENT.—The term 'barrel equivalent' means, with respect to natural gas, a conversion ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

''(d) OTHER RULES.—

''(1) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate to the revenue interests of all operating interest owners in the production.

''(2) OPERATING INTEREST REQUIRED.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

''(3) PRODUCTION FROM NONCONVENTIONAL SOURCES EXCLUDED.—In the case of production from a marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim credit under section 29 with respect to the well.''.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting'', plus'', and by adding at the end of the following new paragraph—

''(13) the marginal oil and gas well production credit determined under section 45D(a).''.

(c) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph—

''(3) SPECIAL RULES FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—

''(A) IN GENERAL.—In the case of the marginal oil and gas well production credit—

''(i) this section and section 39 shall be applied separately with respect to the credit, and

''(ii) in applying paragraph (1) to the credit—

''(I) subparagraphs (A) and (B) thereof shall not apply, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the marginal oil and gas well production credit).

''(B) MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—For purposes of this subsection, the term 'marginal oil and gas well production credit' means the credit allowable under subsection (a) by reason of section 45D(a).''.

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting ''or the marginal oil and gas well production credit'' after ''employment credit''.

(d) CARRYBACK.—Subsection (a) of section 39 (relating to carryback and carryforward of unused credits generally) is amended by adding at the end the following new paragraph—

''(3) 10-YEAR CARRYBACK FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—In the case of the marginal oil and gas well production credit—

''(A) this section shall be applied separately from the business credit (other than the marginal oil and gas well production credit),

''(B) paragraph (1) shall be applied by substituting '10 taxable year' for '1 taxable year' in subparagraph (A) thereof, and

''(C) paragraph (2) shall be applied—

''(i) by substituting '31 taxable years' for '21 taxable years' in subparagraph (A) thereo, and

''(ii) by substituting '30 taxable years' for '20 taxable years' in subparagraph (B) thereof.''.

(e) COORDINATION WITH SECTION 29.—Section 29(a) is amended by striking ''There'' and inserting ''At the election of the taxpayer, there.''

(f) CLERICAL AMENDMENT—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following item:

''Sec. 45D. Credit for producting oil and gas from marginal wells.''

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 1999.

SEC. 803. ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES AND DELAY RENTAL PAYMENTS.

(a) Section 263 (relating to capital expenditures) is amended by adding at the end the following new subsection:

''(j) GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR OIL AND WELLS.—Notwithstanding subsection (a), a taxpayer may elect to treat geological and geophysical expenses incurred in connection with the exploration for, or development of, oil or gas as expenses which are not chargeable to capital account. Any expenses so treated shall be allowed as a deduction in the taxable year in which paid or incurred.''.

(b) Section 263A(c)(3) is amended by inserting ''263(j),'' after ''263(i),''.

(c)(1) The amendments made by subsections (a) and (b) shall apply to expenses paid or incurred after the date of the enactment of this Act.

(2) In the case of any expenses described in section 263(j) of the Internal Revenue Code of 1986, as added by subsections (a) and (b), which were paid or incurred on or before the date of the enactment of this Act, the taxpayer may elect, at such time and in such manner as the Secretary of the Treasury may prescribe, to amortize the suspended portion of such expenses over the 36-month period beginning with the month in which the date of the enactment of this Act occurs. For purposes of this paragraph, the suspended portion of any expense is that portion of such expense which, as of the first day of the 36-month period, has not been included in the cost of a property or otherwise deducted.

(d) Section 263 (relating to capital expenditures), as amended by subsection (b), is amended by adding at the end the following new subsection—

''(k) DELAY RENTAL PAYMENTS FOR DOMESTIC OIL AND GAS WELLS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), a taxpayer may elect to treat delay rental payments incurred in connection with the development of oil or gas within the United States (as defined in section 638) as payments which are not chargeable to capital account. Any payments so treated shall be allowed as a deduction in the taxable year in which paid or incurred.

''(2) DELAY RENTAL PAYMENTS.—For purposes of paragraph (1), the term 'delay rental payment' means an amount paid for the privilege of deferring the drilling of an oil or gas well under an oil or gas lease.''.

Subtitle B—Independent Oil and Gas Producers

SEC. 810. 5-YEAR NET OPERATING LOSS CARRYBACK FOR LOSSES ATTRIBUTABLE TO OPERATING MINERAL INTERESTS OF INDEPENDENT OIL AND GAS PRODUCERS.

(a) Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph—

''(H) LOSSES ON OPERATING MINERAL INTERESTS OF INDEPENDENT OIL AND GAS PRODUCERS.—In the case of a taxpayer—

''(i) which has an eligible oil and gas loss (as defined in subsection (j)) for a taxable year, and

''(ii) which is not an integrated oil company (as defined in section 291(b)(4)), such eligible oil and gas loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss.''.

(b) ELIGIBLE OIL AND GAS LOSS.—Section 172 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection—

''(j) ELIGIBLE OIL AND GAS LOSS.—For purposes of this section—

''(1) IN GENERAL.—The term 'eligible oil and gas loss' means the lesser of—

''(A) the amount which would be the net operating loss for the taxable year if only income and deductions attributable to operating mineral interests (as defined in section 614(d)) in oil and gas wells are taken into account, or

''(B) the amount of the net operating loss for such taxable year.

''(2) COORDINATION WITH SUBSECTION (b)(2).—For purposes of applying subsection (b)(2), an eligible oil and gas loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.

''(3) ELECTION.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to net operating losses for taxable years beginning after December 31, 1998.

SEC. 811. TEMPORARY SUSPENSION OF LIMITATION BASED ON 65 PERCENT OF TAXABLE INCOME.

(a) IN GENERAL.—Subsection (d) of section 613A (relating to limitation on percentage depletion in case of oil and gas wells) is amended by adding at the end the following new paragraph—

''(6) TEMPORARY SUSPENSION OF TAXABLE INCOME LIMIT.—Paragraph (1) shall not apply to taxable years beginning after December 31, 1998, and before January 1, 2005, including with respect to amounts carried under the second sentence of paragraph (1) to such taxable years.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1998.

TITLE IX—TAX MEASURES TO ENHANCE THE USE OF RENEWABLE ENERGY SOURCES, IMPROVE ENERGY EFFICIENCIES, PROTECT CONSUMERS AND CONVERSION TO CLEAN BURNING FUELS

SEC. 901. CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES.

(a) EXTENSION AND MODIFICATION OF PLACED-IN-SERVICE RULES.—Paragraph (3) of section 45(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) QUALIFIED FACILITY.—

''(A) WIND FACILITIES.—In the case of a facility using wind to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after December 31, 1993, and before July 1, 2004.

''(B) BIOMASS FACILITIES.—In the case of a facility using biomass to produce electricity, the term 'qualified facility' means, with respect to any month, any facility owned, leased, or operated by the taxpayer which is originally placed in service before July 1, 2004, if, for such month—

''(i) biomass comprises not less than 75 percent (on a Btu basis) of the average monthly fuel input of the facility for the taxable year which includes such month, or

''(ii) in the case of a facility principally using coal to produce electricity, biomass comprises not more than 25 percent (on a Btu basis) of the average monthly fuel input of the facility for the taxable year which includes such month.

''(C) SPECIAL RULES.—

''(i) in the case of a qualified facility described in paragraph (B)(i)—

''(I) the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of this paragraph, and

''(II) subsection (b)(3) shall not apply to any such facility originally placed in service before January 1, 1997.

''(ii) in the case of a qualified facility described in subparagraph (B)(ii)—

''(I) the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of this paragraph, and

''(II) the amount of the credit determined under subsection (a) with respect to any project for any taxable year shall be adjusted by multiplying such amount (determined without regard to this clause) by 0.59.''.

(b) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—Section 45(b) of the Internal Revenue Code of 1986 (relating to limitations and adjustments) is amended by adding at the end the following—

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) QUALIFIED FACILITIES INCLUDE ALL BIOMASS FACILITIES.—

(1) IN GENERAL.—Subparagraph (B) of section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended to read as follows—

''(B) biomass.''.

(2) BIOMASS DEFINED.—Paragraph (2) of section 45(c) of such Code (relating to definitions) is amended to read as follows—

''(2) BIOMASS.—The term 'biomass' means—

''(A) any organic material from a plant which is planted exclusively for purposes of being used at a qualified facility to produce electricity, or

''(B) any solid, nonhazardous, cellulosic waste material which is segregated from other waste materials and which is derived from—

''(i) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, but not including old-growth timber,

''(ii) poultry waste,

''(iii) urban sources, including waste pallets, crates, and dunnage, manufacturing and construction wood wastes, and landscape or right-of-way trimmings, but not including unsegregated municipal solid waste (garbage) or paper that is commonly recycled, or

''(iv) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced after the date of the enactment of this Act.

SEC. 902. CERTAIN AMOUNTS RECEIVED BY ELECTRIC ENERGY, GAS, OR STEAM UTILITIES EXCLUDED FROM GROSS INCOME AS CONTRIBUTIONS TO CAPITAL.

(a) Subsection (c) of section 118 of the Internal Revenue Code of 1986 (relating to special rules for water and sewerage disposal utilities) is amended—

(1) in the heading, by striking, ''WATER AND SEWERAGE DISPOSAL'' and inserting ''CERTAIN'',

(2) in paragraph (1)—

(A) in the matter preceding paragraph (1), by striking ''water or'' and inserting ''electric energy, gas (through a local distribution system or transportation by pipeline), steam, water, or'' and

(B) in subparagraph (B), by striking ''water or'' and inserting ''electric energy, gas, steam, water, or'',

(3) in paragraph (2)(A)(ii), by striking ''water or'' and inserting ''electric energy, gas, steam, water, or'', and

(4) in paragraph (3)—

(A) in subparagraph (A), by inserting ''such term shall include amounts paid as customer connection fees (including amounts paid to connect the customer's line to an electric line, a gas main, a steam line, or a main water or sewer line) and'' after ''except that'', and

(B) in subparagraph (C), by striking ''water or'' and inserting ''electric energy, gas, steam, water, or''.

(b) The amendments made by subsection (a) shall apply to amounts received after the date of the enactment of this Act.

SEC. 903. EXTENSION OF CREDIT FOR ELECTRICITY PRODUCED FROM STEEL COGENERATION.

(a) EXTENSION OF CREDIT FOR COKE PRODUCTION AND STEEL MANUFACTURING FACILITIES.—Section 45(c)(1) (defining qualified energy resources) is amended by striking ''and'' at the end of the next to last subparagraph, by striking the period at the end of the last subparagraph and inserting '', and'', and by adding at the end the following new subparagraph—

''( ) steel cogeneration.''

(b) STEEL COGENERATION.—Section 45(c) is amended by adding at the end the following—

''( ) STEEL COGENERATION.—The term 'steel cogeneration' means the production of steam or other form of thermal energy of at least 20 percent of total production and the production of electricity or mechanical energy (or both) of at least 20 percent of total production (meaning production from all waste sources in subparagraphs (A), (B), and (C) from the entire facility that produces coke, iron ore, iron, or steel), provided that the cogeneration meets any regulatory energy-efficiency standards established by the Secretary, and only to the extent that such energy is produced from—

''(A) gases or heat generated during the production of coke,

''(B) blast furnace gases or heat generated during the production of iron ore or iron, or

''(C) waste gases or heat generated from the manufacture of steel that uses at least 20 percent recycled material.''.

(c) MODIFICATION OF PLACED IN SERVICE RULES FOR STEEL COGENERATION FACILITIES.—Section 45(c)(3) (defining qualified facility) is amended by adding at the end the following—

( ) STEEL COGENERATION FACILITIES.—In the case of a facility using steel cogeneration to produce electricity, the term 'qualified facility' means any facility permitted to operate under the environmental requirements of the Clean Air Act Amendments of 1990 which is owned by the taxpayer and originally placed in service after December 31, 1999, and before January 1, 2005. Such a facility may be treated as originally placed in service when such facility was last upgraded to increase efficiency or generation capability. However, no facility shall be allowed a credit for more than 10 years of production.''.

(d) CONFORMING AMENDMENTS.—

(1) The heading for section 45 is amended by inserting ''and waste energy'' after ''renewable''.

(2) The item relating to section 45 in the table of sections subpart D of part IV of subchapter A of chapter 1 is amended by inserting ''and waste energy'' after ''renewable''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect for taxable years beginning after December 31, 2001, and before January 1, 2005.

SEC. 904. FULL EXPENSING OF HOME HEATING OIL STORAGE FACILITIES.

(a) IN GENERAL.—Section 179(b) of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end of the following—

''(5) FULL EXPENSING OF HOME HEATING OIL STORAGE FACILITIES.—Paragraphs (1) and (2) shall not apply to section 179 property which is any storage facility (not including a building or its structural components) used in connection with the distribution of home heating oil.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act.''

SEC. 905. RESIDENTIAL SOLAR ENERGY TAX CREDIT.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section—

''SEC. 25B. RESIDENTIAL SOLAR ENERGY PROPERTY.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) 15 percent of the qualified photovoltaic property expenditures made by the taxpayer during such year, and

''(2) 15 percent of the qualified solar water heating property expenditures made by the taxpayer during the taxable year.

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—The credit allowed under subsection (a)(2) shall not exceed $2,000 for each system of solar energy property.

''(2) TYPE OF PROPERTY.—No expenditure may be taken into account under this section unless such expenditure is made by the taxpayer for property installed on or in connection with a dwelling unit which is located in the United States and which is used as a residence.

''(3) SAFETY CERTIFICATIONS.—No credit shall be allowed under this section for an item of property unless—

''(A) in the case of solar water heating equipment, such equipment is certified for performance and safety by the non-profit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed, and

''(B) in the case of a photovoltaic system, such system meets appropriate fire and electric code requirements.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED SOLAR WATER HEATING PROPERTY EXPENDITURE.—The term 'qualified solar water heating property expenditure' means an expenditure for property that uses solar energy to heat water for use in a dwelling unit with respect to which a majority of the energy is derived from the sun.

''(2) QUALIFIED PHOTOVOLTAIC PROPERTY EXPENDITURE.—The term 'qualified photovoltaic property expenditure' means an expenditure for property that uses solar energy to generate electricity for use in a dwelling unit.

''(3) SOLAR PANELS.—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as property described in paragraph (1) or (2) solely because it constitutes a structural component of the structure on which it is installed.

''(4) LABOR COSTS.—Expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property described in paragraph (1) or (2) and for piping or wiring to interconnect such property to the dwelling unit shall be taken into account for purposes of this section.

''(5) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—Expenditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage shall not be taken into account for purposes of this section.

''(d) SPECIAL RULES.—For purposes of this section—

''(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply—

''(A) The amount of the credit allowable under subsection (a) by reason of expenditures (as the case may be) made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

''(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

''(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

''(3) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(4) JOINT OWNERSHIP OF ITEMS OF SOLAR ENERGY PROPERTY.—

''(A) IN GENERAL.—Any expenditure otherwise qualifying as an expenditure described in paragraph (1) or (2) of subsection (c) shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

''(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

''(5) ALLOCATION IN CERTAIN CASES.—If less than 80 percent of the use of an item is for nonbusiness residential purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness residential purposes shall be taken into account. For purposes of this paragraph, use for a swimming pool shall be treated as use which is not for residential purposes.

''(6) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

''(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original use of the constructed or reconstructed structure by the taxpayer begins.

''(C) AMOUNT.—The amount of an expenditure shall be the cost thereof.

''(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 of such Code is amended by striking 'and' at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ''; and'', and by adding at the end the following new paragraph:

''(28) to the extent provided in section 25B(e), in the case of amounts with respect to which a credit has been allowed under section 25B.''.

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item—

''Sec. 25B. Residential solar energy property.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1999 and before December 31, 2004.

SECTION ___. TEMPORARY REDUCTION OF 4.3 CENTS PER GALLON IN FUEL TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND AVIATION FUEL.

(a) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline, diesel fuel, and kerosene) is amended by adding at the end the following new subsection:

''(f) TEMPORARY 18.4-CENT REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, AND KEROSENE.—

''(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced by 18.4 cents per gallon.

''(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

''(A) clause (i), (ii), (iii) of subsection (a)(2)(A) (relating to gasoline, diesel fuel, and kerosene), and

''(B) paragraph (1) of section 4041(a) (relating to diesel fuel) with respect to fuel sold for use or used in a diesel-powered highway vehicle.

''(3) PROTECTING SOCIAL SECURITY TRUST FUNDS.—If upon the determination described in paragraph (1)(B), the Secretary, after consultation with the Director of the Office of Management and Budget, determines that such reduction would result in an aggregate reduction in revenues to the Treasury exceeding the Federal on-budget surplus during the remainder of the applicable period, the Secretary shall modify such reduction such that each rate of tax referred to in paragraph (2), subparagraphs (A) and (C) of section 4042(b)(1), and section 4091(e)(1) is reduced in a pro rata matter and such aggregate reduction does not exceed such surplus.

''(4) MAINTENANCE OF TRUST FUND DEPOSITS.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503 and the Airport and Airway Trust Fund under section 9502, an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section.

''(5) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the period beginning after June 30, 2000, and ending before March 30, 2001.''

(b) AVIATION FUEL.—Section 4091 of the Internal Revenue Code of 1986 (relating to imposition of tax on aviation fuel) is amended by adding at the end the following new subsection:

''(e) TEMPORARY 18.4-CENT REDUCTION IN TAX ON AVIATION FUEL.—

''(1) IN GENERAL.—During the applicable period, the rate of tax otherwise applicable under subsection (b)(1) shall be reduced by 18.4 cents per gallon.

''(2) MAINTENANCE OF TRUST FUND DEPOSITS.—In determining the amounts to be appropriated to the Airport and Airway Trust Fund under section 9502, an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section.

''(3) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the period beginning after June 30, 2000, and ending before March 30, 2001.''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 2. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax reduction date, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this section referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax reduction date.

(b) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this section unless—

(1) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax reduction date, and

(2) in any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date—

(A) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax reduction date, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such

dealer to the allowance of the credit or the making of the refund.

(c) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer, and

(2) the term ''tax reduction date'' means April 16, 2000.

(e) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 3. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 during the applicable period, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on the floor stocks tax date to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before the date which is 6 months after the floor stocks tax date.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as ''held by a person'' if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) GASOLINE, DIESEL FUEL, AND AVIATION FUEL.—The terms ''gasoline'', ''diesel fuel'', and aviation fuel have the respective meanings given such terms by sections 4083 and 4093 of such Code.

(3) FLOOR STOCKS TAX DATE.—The term ''floor stocks tax date'' means January 1, 2001.

(4) APPLICABLE PERIOD.—The term ''applicable period'' means the period beginning after April 15, 2000, and ending before January 1, 2001.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to gasoline, diesel fuel, kerosene, or aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 of such Code is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on gasoline, diesel fuel, kerosene, or aviation fuel held in the tank of a motor vehicle, motorboat, or aircraft.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline (other than aviation gasoline) held on the floor stocks tax date by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on aviation gasoline, diesel fuel, kerosene, or aviation fuel held on such date by any person if the aggregate amount of aviation gasoline, diesel fuel, kerosene, or aviation fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081.

SEC. 4. BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the 18.4-cent reduction in gas taxes under this Act, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the 18.4-cent reduction of taxes under this Act to determine whether there has been a passthrough of such reduction and what benefits have accrued, directly or indirectly, to consumers as a result of the gas tax reduction.

(B) REPORT.—Not later than March 30, 2001, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

WYDEN AMENDMENT NO. 3616

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 33, line 16, strike the period and insert the following: '': *Provided further*, That the Director of the National Institutes of Health shall ensure, with respect to funds appropriated under this Act, that—

''(1) an entity that receives a grant or contract, made available with the appropriated funds by the National Institutes of Health, to conduct research shall provide the Director, at intervals of time determined appropriate by the Director, with information relating to—

''(A) any pharmaceutical, pharmaceutical compound or drug delivery mechanism (including biologics and vaccines) approved by the Food and Drug Administration that is manufactured from a technology that—

''(i) is developed, in whole or in part, using the results of such research; and

''(ii) has been licensed, sold or transferred by the grantee or contractor to an organization for manufacturing purposes;

''(B) the utilization of each such technology that has been licensed, sold or transferred to another entity;

''(C) the amount of royalties, other payments, or other forms of reimbursement collected by the grantee or contractor with respect to the license, sale or transfer of each such technology; and

''(D) the aggregate amount of the specific grants or contracts that were used in the development of such transferred technology.

''(2) an annual report is prepared and submitted to the appropriate committees of Congress that contains a summary of the information provided to the Director under paragraph (1) for the period for which the report is being prepared;

''(3)(A) as a condition of receiving a grant or contract from the National Institutes of Health to conduct research, an entity shall provide assurances to the Director that such entity will, as a part of any agreement that is entered into by the entity to license, sell, or transfer any technology that is developed, in whole or in part, using the results of such research, require the repayment by the licensee, purchaser, or transferee (or the entity if the entity is using the technology in a manner described in this subparagraph) to the Director of an amount (determined under subparagraph (B)) of the funds made available through the grants or contracts as reported by the entity under paragraph (1)(D), if the licensee, purchaser, or transferee uses the technology to manufacture a pharmaceutical, pharmaceutical compound, or drug delivery mechanism (including biologics and vaccines) that is approved by the Food and Drug Administration;

''(B) the amount of the funds made available through the grant or contract to be repaid under subparagraph (A) shall be determined according to a fee schedule that—

''(i) is established by the Director; and

''(ii) shall ensure that—

''(I) the amount is based on a percentage of the net sales of the pharmaceutical, pharmaceutical compound, or drug delivery mechanism (including biologics and vaccines) that is referred to in subparagraph (A); and

''(II) the aggregate amount is limited to the aggregate amount of the funds made available through the grants or contracts involved; and

''(C) the amount described in subparagraph (B) shall be repaid to the Director, who shall deposit any such amount in an account and distribute funds from the account to the various offices of the National Institutes of Health for research conducted by the various offices, according to the scientific merit presented by the research projects involved; and

''(4)(A) with respect to an entity that is required to repay funds under paragraph (3), if the net sales of the pharmaceutical, pharmaceutical compound, or drug delivery mechanism (including biologics and vaccines) involved exceed $500,000,000 (or the increased or decreased amount determined under subparagraph (B)) in any calendar year, the entity shall pay to the Director (as a return on the investment made by the Director through the grant or contract involved) for

such year an amount equal to 1 percent of the amount by which such net sales exceed $500,000,000 (or such increased or decreased amount) in such year; and

''(B) the $500,000,000 amount referred to in subparagraph (A) shall be increased or decreased, for each calendar year that ends after December 31, 2000, by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Bureau of Labor Statistics, for September of the preceding calendar year has increased or decreased from the Index for September of 2000.''.

ZIMBABWE DEMOCRACY ACT OF 2000

FRIST AMENDMENT NO. 3617

Mr. COVERDELL (for Mr. FRIST) proposed an amendment to the bill (S. 2677) to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Zimbabwe Democracy Act of 2000''.

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—Congress finds as follows:

(1) Deliberate and systematic violence, intimidation, and killings have been orchestrated and supported by the Government of Zimbabwe and the ruling ZANU-PF party against members, sympathizers, and supporters of the democratic opposition, farmers, and employees. The violence has resulted in death, a breakdown in the rule of law, and further collapse of Zimbabwe's economy.

(2) The lawlessness, harassment, violence, intimidation, and killings directed at the opposition and their supporters, farmers and farm employees continues at President Mugabe's explicit and public urging despite two court rulings that the occupations are illegal and must be ended.

(3) The breakdown in the rule of law has jeopardized Zimbabwe's future, including international support for programs which provide land ownership for the large number of poor and landless Zimbabweans, other donor programs, economic stability, and direct investment.

(4) The orchestrated violence and intimidation directed at opposition supporters has created and fostered an environment which seriously compromises the possibility of free and fair elections.

(5) The crisis in Zimbabwe is further exacerbated by the fact that Zimbabwe is spending millions of dollars each month on its involvement in the civil war in the Democratic Republic of Congo. Those resources could finance equitable and transparent land reform, other programs to promote economic growth and alleviate poverty, and programs to combat the spread and effects of the world's highest HIV infection rate.

(b) STATEMENT OF POLICY.—It is therefore the policy of the United States to support the people of Zimbabwe in their struggles to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.

SEC. 3. PROHIBITION ON PROVISION OF ASSISTANCE OR DEBT RELIEF.

(a) PROHIBITION ON ASSISTANCE.—Except as provided in subsection (b)—

(1) no United States assistance may be provided for the Government of Zimbabwe;

(2) no indebtedness owed by the Government of Zimbabwe to the United States Government may be canceled or reduced; and

(3) the Secretary of the Treasury shall instruct the United States Executive Director to each international financial institution to oppose and vote against—

(A) any extension by the respective institution of any assistance of any kind to the Government of Zimbabwe, except for assistance to meet basic human needs and for good governance; and

(B) any cancellation or reduction of indebtedness owed by the Government of Zimbabwe to that institution.

(b) CONDITIONS FOR RESTORATION OF ELIGIBILITY FOR ASSISTANCE AND DEBT RELIEF.—The provisions of subsection (a) shall apply until the President certifies to the appropriate congressional committees that—

(1) the rule of law has been restored in Zimbabwe, including respect for ownership and title to property held prior to January 1, 2000, freedom of speech and association, and an end to the lawlessness, violence, and intimidation sponsored, condoned, or tolerated by the Government of Zimbabwe, the ruling party, and their supporters or entities;

(2) Zimbabwe has held parliamentary elections which are widely accepted by the participating parties and the duly elected are free to assume their offices;

(3)(A) Zimbabwe has held a presidential election which is widely accepted by the participating parties and the president-elect is free to assume the duties of the office; or

(B) the government has sufficiently improved the pre-election environment to a degree consistent with accepted international standards for security and freedom of movement and association;

(4) the Government of Zimbabwe has demonstrated a commitment to an equitable, legal, and transparent land reform program which should—

(A) respect existing ownership of and title to property by providing fair, market-based compensation to sellers;

(B) benefit the truly needy and landless;

(C) be based on the principle of ownership and title to all land, including communal areas;

(D) be managed and administered by an independent, nongovernmental body; and

(E) be consistent with agreements reached at the International Donors' Conference on Land Reform and Resettlement in Zimbabwe held in Harare in September, 1998;

(5) the Government of Zimbabwe is making a good faith effort to fulfill the terms of the Lusaka agreement on ending the war in the Democratic Republic of Congo; and

(6) the Zimbabwean Armed Forces and the National Police of Zimbabwe are responsible to and serve the elected civilian government.

(c) UNITED STATES ASSISTANCE DEFINED.—

(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the term ''United States assistance'' means—

(A) any assistance under the Foreign Assistance Act of 1961 (excluding programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation);

(B) sales, or financing on any terms, under the Arms Export Control Act;

(C) the licensing of exports under section 38 of the Arms Export Control Act; and

(D) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954.

(2) EXCEPTIONS.—The term ''United States assistance'' does not include—

(A) humanitarian assistance, including food, medicine, medical supplies;

(B) health assistance, including health assistance for the prevention, treatment, and control of HIV/AIDS and other infectious diseases;

(C) support for democratic governance and the rule of law;

(D) support for land reform programs consistent with subsection (b)(4);

(E) support for conservation programs; and

(F) support for de-mining programs.

(d) WAIVER.—The President may waive the provisions of subsection (a) if he determines that it is in the national interest of the United States to do so.

SEC. 4. SUPPORT FOR DEMOCRATIC INSTITUTIONS AND THE RULE OF LAW.

(a) ASSISTANCE FOR LEGAL EXPENSES.—As one component of a comprehensive approach towards supporting democratic institutions and the rule of law in Zimbabwe, the President is authorized to use funds appropriated to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 to finance the legal and related expenses of—

(1) individuals and democratic institutions challenging restrictions to free speech and association in Zimbabwe, including challenges to licensing fees, restrictions, and other charges and penalties imposed on the media or on individuals exercising their right of free speech and association;

(2) individuals and democratic institutions and organizations challenging electoral outcomes or restrictions to their pursuit of elective office or democratic reforms, including fees or other costs imposed by the Government on those individuals or institutions; and

(3) individuals who are the victims of torture or otherwise victimized by political violence.

(b) AUTHORITY FOR RADIO BROADCASTING.—

(1) IN GENERAL.—The Broadcasting Board of Governors shall further the communication of information and ideas through the increased use of radio broadcasting to Zimbabwe to ensure that radio broadcasting to that country serves as a consistently reliable and authoritative source of accurate, objective and comprehensive news.

(2) TERMINATION.—The authority of this subsection shall terminate upon a certification by the President under section 3(b) that the conditions specified in that section have been satisfied.

(c) ASSISTANCE FOR DEMOCRACY TRAINING.—During fiscal year 2001, the President is authorized to use not less than $6,000,000 of the funds made available to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 for democracy and governance programs in Zimbabwe.

(d) ELECTION OBSERVERS.—It is the sense of Congress that the President should provide support, including through the National Endowment for Democracy, for international election observers to the Zimbabwean parliamentary elections in 2000 and the presidential election scheduled for 2002, including assessments of the pre-electoral environment in each case and the electoral laws of Zimbabwe.

SEC. 5. SUPPORT FOR DEMOCRATIC TRANSITION AND ECONOMIC RECOVERY.

Upon the certification made by the President under section 3(b)—

(1) up to $16,000,000 of funds appropriated to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, is authorized to be made available, notwithstanding any other provision of law, for support for alternative schemes under the Inception Phase of the Land Reform and Resettlement Program, including costs related to acquisition of land and resettlement, meeting the standards in section 3(b)(4); and

(2) the Secretary of the Treasury shall—

(A) undertake a review of the feasibility of restructuring, rescheduling, or eliminating

the sovereign debt of Zimbabwe held by any agency of the United States Government;

(B) direct the United States Executive Director of each international financial institution to which the United States is a member to propose that such institution undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by that institution; and

(C) direct the United States Executive Director of each international financial institution to which the United States is a member to propose to undertake financial and technical support for Zimbabwe, especially that intended to promote Zimbabwe's economic recovery and development, the stabilization of the Zimbabwean dollar, and the viability of Zimbabwe's democratic institutions; and

(3) there shall be established a Southern Africa Finance Center located in Zimbabwe that will co-locate regional offices of the Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Trade and Development Agency for the purpose of facilitating the development of commercial projects in Zimbabwe and the southern Africa region.

SUPPORTING THE GOALS AND IDEALS OF THE OLYMPICS

CAMPBELL AMENDMENT NO. 3618

Mr. ROBERTS (for Mr. CAMPBELL) proposed an amendment to the preamble accompanying the resolution (S. Res. 254) supporting the goals and ideals of the Olympics; as follows:

In the preamble, in the tenth whereas clause, insert '', 2000'' after ''June 23''.

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

HUTCHISON AMENDMENT NO. 3619

Mrs. HUTCHISON proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 59, line 12, before the period insert the following: '': *Provided further,* That funds made available under this heading to carry out section 6301(b) of the Elementary and Secondary Education Act of 1965 shall be available for education reform projects that provide same gender schools and classrooms, consistent with applicable law''.

THE CALENDAR

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration, en bloc, of the following, reported by the Governmental Affairs Committee:

H.R. 642, Calendar 612;
H.R. 643, Calendar 613;
H.R. 1666, Calendar 614;
H.R. 2307, Calendar 615;
H.R. 2357, Calendar 616;
H.R. 2460, Calendar 617;
H.R. 2591, Calendar 618;
H.R. 2952, Calendar 619;
H.R. 3018, Calendar 620;
H.R. 3699, Calendar 621;
H.R. 3701, Calendar 622;
H.R. 4241, Calendar 623;
And, S. 2043, Calendar 624.

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

Mr. COVERDELL. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to any of these bills be printed in the RECORD, with the above occurring en bloc.

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

MERVYN MALCOLM DYMALLY POST OFFICE BUILDING

The bill (H.R. 642) to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the ''Mervyn Malcolm Dymally Post Office Building'' was considered, read a third time, and passed.

AUGUSTUS F. HAWKINS POST OFFICE BUILDING

The bill (H.R. 643) to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building'' was considered, read a third time, and passed.

CAPTAIN COLIN P. KELLY, JR., POST OFFICE BUILDING

The bill (H.R. 1666) to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the ''Captain Colin P. Kelly, Jr. Post Office'' was considered, read a third time, and passed.

THOMAS J. BROWN POST OFFICE BUILDING

The bill (H.R. 2307) to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the ''Thomas J. Brown Post Office Building'' was considered, read a third time, and passed.

LOUISE STOKES POST OFFICE

The bill (H.R. 2357) to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the ''Louise Stokes Post Office'' was considered, read a third time, and passed.

JAY HANNA ''DIZZY'' DEAN POST OFFICE

The bill (H.R. 2460) to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the ''Jay Hanna 'Dizzy' Dean Post Office'' was considered, read a third time, and passed.

WILLIAM H. AVERY POST OFFICE

The bill (H.R. 2591) to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the ''William H. Avery Post Office'' was considered, read a third time, and passed.

KEITH D. OGLESBY STATION

The bill (H.R. 2952) to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the ''Keith D. Oglesby Station'' was considered, read a third time, and passed.

LAYFORD R. JOHNSON POST OFFICE

RICHARD E. FIELDS POST OFFICE

MARYBELLE H. HOWE POST OFFICE

MAMIE G. FLOYD POST OFFICE

The bill (H.R. 3018) to designate certain facilities of the United States Postal Service in South Carolina was considered, read a third time, and passed.

Mr. THURMOND. Mr. President, I would like to take this opportunity today to pay tribute to the late Keith Olgesby, who is being honored today through the passage of H.R. 2952, which redesignates the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the ''Keith D. Oglesby Station.''

Mr. Keith Olgesby deserves this honor which this legislation bestows. The tragic and unexpected death of Mr. Oglesby last year shocked and saddened the community of Greenville. Postal employees, his peers, and customers have requested that Mr. Oglesby be remembered in the Greenville community by the designation of this U.S. Post Office in his name. I believe that this legislation honors his life as a public servant for his community and State.

Mr. Oglesby contributed much to the improvement of the Greenville community and the State of South Carolina. He was the Postmaster of Greenville County for six years. During his lifetime and posthumously, he was awarded twice the Postal Service's top public relations honor, the Benjamin Award, given in recognition of community outreach accomplishments.

Among his many community service activities, Mr. Oglesby hosted the First Day of Issue ceremonies for the Organ & Tissue Donation Stamp. He volunteered with the Salvation Army, the March of Dimes Walk America, and the American Cancer Society Relay for Life. He was a tireless worker and community activist. He was also honored

as Volunteer of the Year in 1997 by the Greenville Family Partnership (an organization which aims to keep children safe and drug free).

I believe that Mr. Keith Oglesby deserves this honor which this legislation bestows as he was a public servant who will always be remembered in his community and the State of South Carolina where he honorably lived and served.

Mr. President, I also note today the passage of H.R. 3018, which designates various Postal facilities in South Carolina. These facilities are the United States Post Office located at 301 Main Street in Eastover, South Carolina, as the ''Layford R. Johnson Post Office''; the United States Post Office located at 78 Sycamore Street in Charleston, South Carolina, as the ''Richard E. Fields Post Office''; the United States Post Office located at 557 East Bay Street in Charleston South Carolina, as the ''Marybelle Howe Post Office''; and the United States Post Office located at 4026 Lamar Street in (the Eau Claire community of) Columbia, South Carolina, as the ''Mamie G. Floyd Post Office.'' These individuals have made enormous contributions to their communities and states and deserve to be recognized by having a postal facility named in their honor.

I thank the Senate for its support of these measures.

JOEL T. BROYHILL POST OFFICE

The bill (H.R. 3699) to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the ''Joel T. Broyhill Postal Building'' was considered, read a third time, and passed.

JOSEPH L. FISHER POST OFFICE BUILDING

The bill (H.R. 3701) to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the ''Joseph L. Fisher Post Office Building'' was considered, read a third time, and passed.

LES ASPIN POST OFFICE BUILDING

The bill (H.R. 4241) to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the ''Les Aspin Post Office Building'' was considered, read a third time, and passed.

HECTOR G. GODINEZ POST OFFICE BUILDING

The bill (S. 2043) was considered read a third time, and passed.

The bill (S. 2043) reads as follows:

S. 2043

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

SECTION 1. DESIGNATION OF HECTOR G. GODINEZ POST OFFICE BUILDING.

The United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, shall be known and designated as the ''Hector G. Godinez Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, regulation, map, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the ''Hector G. Godinez Post Office Building''.

MEASURE TO BE PLACED ON THE CALENDAR—S. 2508

Mr. COVERDELL. Mr. President, I ask unanimous consent that at such time as the Committee on Indian Affairs reports S. 2508, a bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian tribes, and for other purposes, the measure be referred to the Committee on Energy and Natural Resources for a period not to exceed 30 calendar days, and that if the Committee on Energy and Natural Resources has not reported the measure prior to the expiration of the 30-calendar-day period, the Energy Committee be discharged from further consideration of the measure, and that the measure be placed on the calendar.

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

EXPANSION OF PAYMENTS OF REWARDS PROGRAM TO INCLUDE RWANDA

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 588, S. 2460.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2460) to authorize the payments of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

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

Mr. COVERDELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2460) was read the third time, and passed as follows:

S. 2460

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

SECTION 1. EXPANSION OF REWARDS PROGRAM TO INCLUDE RWANDA.

Section 102 of the Act of October 30, 1998 (Public Law 105–323) is amended—

(1) in the section heading, by inserting ''**OR RWANDA**'' after ''**YUGOSLAVIA**'';

(2) in subsection (a)(2), by inserting ''or the International Criminal Tribunal for Rwanda'' after ''Yugoslavia''; and

(3) in subsection (c)—

(A) by inserting ''(1)'' immediately after ''REFERENCE.—''; and

(B) by adding at the end the following:

''(2) For the purposes of subsection (a), the statute of the International Criminal Tribunal for Rwanda means the statute contained in the annex to Security Council Resolution 955 of November 8, 1994.''.

ZIMBABWE DEMOCRACY ACT OF 2000

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 589, S. 2677.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2677) to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe.

There being no objection, the Senate proceeded to the consideration of the bill.

AMENDMENT NO. 3617

(Purpose: To restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe)

Mr. COVERDELL. Mr. President, Senator FRIST has a substitute amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia (Mr. COVERDELL), for Mr. FRIST, Mr. FEINGOLD, and Mr. HELMS, proposes an amendment numbered 3617.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. FRIST. Mr. President, it is my understanding that USAID obligates most of its money for Zimbabwe through agreements with the Government of Zimbabwe. Notwithstanding this obligation procedure, it is my intention that the prohibition on assistance for the Government of Zimbabwe not cut off all assistance to Zimbabwe but only that assistance that would otherwise have been provided for the benefit of the government. Under the limitation contained in my amendment, assistance provided through nongovernmental organizations may continue, even though the initial obligation of funds may have been with the government. Such assistance may only marginally benefit the government through, for example, the necessary use of providing assistance to the people of Zimbabwe. This has particular relevance to microenterprise programs which, I believe, would not be affected by the limitations in my amendment.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 3617) was agreed to.

The bill (S. 2677), as amended, was read the third time and passed as follows:

S. 2677

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 ''Zimbabwe Democracy Act of 2000''.

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—Congress finds as follows:

(1) Deliberate and systematic violence, intimidation, and killings have been orchestrated and supported by the Government of Zimbabwe and the ruling ZANU–PF party against members, sympathizers, and supporters of the democratic opposition, farmers, and employees. The violence has resulted in death, a breakdown in the rule of law, and further collapse of Zimbabwe's economy.

(2) The lawlessness, harassment, violence, intimidation, and killings directed at the opposition and their supporters, farmers and farm employees continues at President Mugabe's explicit and public urging despite two court rulings that the occupations are illegal and must be ended.

(3) The breakdown in the rule of law has jeopardized Zimbabwe's future, including international support for programs which provide land ownership for the large number of poor and landless Zimbabweans, other donor programs, economic stability, and direct investment.

(4) The orchestrated violence and intimidation directed at opposition supporters has created and fostered an environment which seriously compromises the possibility of free and fair elections.

(5) The crisis in Zimbabwe is further exacerbated by the fact that Zimbabwe is spending millions of dollars each month on its involvement in the civil war in the Democratic Republic of Congo. Those resources could finance equitable and transparent land reform, other programs to promote economic growth and alleviate poverty, and programs to combat the spread and effects of the world's highest HIV infection rate.

(b) STATEMENT OF POLICY.—It is therefore the policy of the United States to support the people of Zimbabwe in their struggles to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.

SEC. 3. PROHIBITION ON PROVISION OF ASSISTANCE OR DEBT RELIEF.

(a) PROHIBITION ON ASSISTANCE.—Except as provided in subsection (b)—

(1) no United States assistance may be provided for the Government of Zimbabwe;

(2) no indebtedness owed by the Government of Zimbabwe to the United States Government may be canceled or reduced; and

(3) the Secretary of the Treasury shall instruct the United States Executive Director to each international financial institution to oppose and vote against—

(A) any extension by the respective institution of any assistance of any kind to the Government of Zimbabwe, except for assistance to meet basic human needs and for good governance; and

(B) any cancellation or reduction of indebtedness owed by the Government of Zimbabwe to that institution.

(b) CONDITIONS FOR RESTORATION OF ELIGIBILITY FOR ASSISTANCE AND DEBT RELIEF.—The provisions of subsection (a) shall apply until the President certifies to the appropriate congressional committees that—

(1) the rule of law has been restored in Zimbabwe, including respect for ownership and title to property held prior to January 1, 2000, freedom of speech and association, and an end to the lawlessness, violence, and intimidation sponsored, condoned, or tolerated by the Government of Zimbabwe, the ruling party, and their supporters or entities;

(2) Zimbabwe has held parliamentary elections which are widely accepted by the participating parties and the duly elected are free to assume their offices;

(3)(A) Zimbabwe has held a presidential election which is widely accepted by the participating parties and the president-elect is free to assume the duties of the office; or

(B) the government has sufficiently improved the pre-election environment to a degree consistent with accepted international standards for security and freedom of movement and association;

(4) the Government of Zimbabwe has demonstrated a commitment to an equitable, legal, and transparent land reform program which should—

(A) respect existing ownership of and title to property by providing fair, market-based compensation to sellers;

(B) benefit the truly needy and landless;

(C) be based on the principle of ownership and title to all land, including communal areas;

(D) be managed and administered by an independent, nongovernmental body; and

(E) be consistent with agreements reached at the International Donors' Conference on Land Reform and Resettlement in Zimbabwe held in Harare in September, 1998;

(5) the Government of Zimbabwe is making a good faith effort to fulfill the terms of the Lusaka agreement on ending the war in the Democratic Republic of Congo; and

(6) the Zimbabwean Armed Forces and the National Police of Zimbabwe are responsible to and serve the elected civilian government.

(c) UNITED STATES ASSISTANCE DEFINED.—

(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the term ''United States assistance'' means—

(A) any assistance under the Foreign Assistance Act of 1961 (excluding programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation);

(B) sales, or financing on any terms, under the Arms Export Control Act;

(C) the licensing of exports under section 38 of the Arms Export Control Act; and

(D) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954.

(2) EXCEPTIONS.—The term ''United States assistance'' does not include—

(A) humanitarian assistance, including food, medicine, medical supplies;

(B) health assistance, including health assistance for the prevention, treatment, and control of HIV/AIDS and other infectious diseases;

(C) support for democratic governance and the rule of law;

(D) support for land reform programs consistent with subsection (b)(4);

(E) support for conservation programs; and

(F) support for de-mining programs.

(d) WAIVER.—The President may waive the provisions of subsection (a) if he determines that it is in the national interest of the United States to do so.

SEC. 4. SUPPORT FOR DEMOCRATIC INSTITUTIONS AND THE RULE OF LAW.

(a) ASSISTANCE FOR LEGAL EXPENSES.—As one component of a comprehensive approach towards supporting democratic institutions and the rule of law in Zimbabwe, the President is authorized to use funds appropriated to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 to finance the legal and related expenses of—

(1) individuals and democratic institutions challenging restrictions to free speech and association in Zimbabwe, including challenges to licensing fees, restrictions, and other charges and penalties imposed on the media or on individuals exercising their right of free speech and association;

(2) individuals and democratic institutions and organizations challenging electoral outcomes or restrictions to their pursuit of elective office or democratic reforms, including fees or other costs imposed by the Government on those individuals or institutions; and

(3) individuals who are the victims of torture or otherwise victimized by political violence.

(b) AUTHORITY FOR RADIO BROADCASTING.—

(1) IN GENERAL.—The Broadcasting Board of Governors shall further the communication of information and ideas through the increased use of radio broadcasting to Zimbabwe to ensure that radio broadcasting to that country serves as a consistently reliable and authoritative source of accurate, objective and comprehensive news.

(2) TERMINATION.—The authority of this subsection shall terminate upon a certification by the President under section 3(b) that the conditions specified in that section have been satisfied.

(c) ASSISTANCE FOR DEMOCRACY TRAINING.—During fiscal year 2001, the President is authorized to use not less than $6,000,000 of the funds made available to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 for democracy and governance programs in Zimbabwe.

(d) ELECTION OBSERVERS.—It is the sense of Congress that the President should provide support, including through the National Endowment for Democracy, for international election observers to the Zimbabwean parliamentary elections in 2000 and the presidential election scheduled for 2002, including assessments, of the pre-electoral environment in each case and the electoral laws of Zimbabwe.

SEC. 5. SUPPORT FOR DEMOCRATIC TRANSITION AND ECONOMIC RECOVERY.

Upon the certification made by the President under section 3(b)—

(1) up to $16,000,000 of funds appropriated to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, is authorized to be made available, notwithstanding any other provision of law, for support for alternative schemes under the Inception Phase of the Land Reform and Resettlement Program, including costs related to acquisition of land and resettlement, meeting the standards in section 3(b)(4); and

(2) the Secretary of the Treasury shall—

(A) undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by any agency of the United States Government;

(B) direct the United States Executive Director of each international financial institution to which the United States is a member to propose that such institution undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by that institution; and

(C) direct the United States Executive Director of each international financial institution to which the United States is a member to propose to undertake financial and technical support for Zimbabwe, especially that intended to promote Zimbabwe's economic recovery and development, the stabilization of the Zimbabwean dollar, and the viability of Zimbabwe's democratic institutions; and

(3) there shall be established a Southern Africa Finance Center located in Zimbabwe that will co-locate regional offices of the

Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Trade and Development Agency for the purpose of facilitating the development of commercial projects in Zimbabwe and the southern Africa region.

INSTITUTE FOR MEDIA DEVELOPMENT'S VOICE OF AMERICA

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 590, S. 2682.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2682) to authorize the Broadcasting Board of Governors to make available to the Institute for Media Development certain materials of the Voice of America.

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

Mr. COVERDELL. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2682) was read the third time and passed as follows:

S. 2682

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

SECTION 1. AVAILABILITY OF CERTAIN MATERIALS OF THE VOICE OF AMERICA.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to the provisions of this Act, the Broadcasting Board of Governors (in this Act referred to as the ''Board'') is authorized to make available to the Institute for Media Development (in this Act referred to as the ''Institute''), at the request of the Institute, previously broadcast audio and video materials produced by the Africa Division of the Voice of America.

(2) DEPOSIT OF MATERIALS.—Upon the request of the Institute and the approval of the Board, materials made available under paragraph (1) may be deposited with the University of California, Los Angeles, or such other appropriate institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) that is approved by the Board for such purpose.

(3) SUPERSEDES EXISTING LAW.—Materials made available under paragraph (1) may be provided notwithstanding section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) and section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a).

(b) LIMITATIONS.—

(1) AUTHORIZED PURPOSES.—Materials made available under this Act shall be used only for academic and research purposes and may not be used for public or commercial broadcast purposes.

(2) PRIOR AGREEMENT REQUIRED.—Before making available materials under subsection (a)(1), the Board shall enter into an agreement with the Institute providing for—

(A) reimbursement of the Board for any expenses involved in making such materials available;

(B) the establishment of guidelines by the Institute for the archiving and use of the materials to ensure that copyrighted works contained in those materials will not be used in a manner that would violate the copyright laws of the United States (including international copyright conventions to which the United States is a party);

(C) the indemnification of the United States by the Institute in the event that any use of the materials results in violation of the copyright laws of the United States (including international copyright conventions to which the United States is a party);

(D) the authority of the Board to terminate the agreement if the provisions of paragraph (1) are violated; and

(E) any other terms and conditions relating to the materials that the Board considers appropriate.

(c) CREDITING OF REIMBURSEMENTS TO BOARD APPROPRIATIONS ACCOUNT.—Any reimbursement of the Board under subsection (b) shall be deposited as an offsetting collection to the currently applicable appropriation account of the Board.

SEC. 2. TERMINATION OF AUTHORITY.

The authority provided under this Act shall cease to have effect on the date that is 5 years after the date of enactment of this Act.

COMMENDING THE REPUBLIC OF SLOVENIA FOR PARTNERSHIP WITH THE UNITED STATES AND NATO AND EXPRESSING SENSE OF CONGRESS ON SLOVENIA'S ACCESSION TO NATO

Mr. COVERDELL. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 591, S. Con. Res. 117.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 117) commending the Republic of Slovenia for its partnership with the United States and NATO, and expressing the sense of Congress that Slovenia's accession to NATO would enhance NATO's security, and for other purposes.

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

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

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

The resolution (S. Con. Res. 117) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 117

Whereas on June 25, 1991, the Republic of Slovenia declared its independence;

Whereas on December 23, 1991, the Parliament of the Republic of Slovenia adopted the State's new constitution based on the values of human rights, market economy, rule of law, and democracy;

Whereas on April 7, 1992, the United States formally recognized the Republic of Slovenia;

Whereas, since its independence, Slovenia has demonstrated an excellent record on human rights;

Whereas Slovenia has developed a successful and growing market economy and enjoys the highest per capita gross domestic product in Central and Eastern Europe;

Whereas the European Union has recognized Slovenia's economic prosperity and the strength of its democracy by initiating accession negotiations with Slovenia as well as by putting into effect Slovenia's Association Agreement with the European Union;

Whereas Slovenia has demonstrated its commitment to bring peace, security, stability, democracy, and economic prosperity to Southeastern Europe through its membership in NATO's Partnership for Peace, the Central European Initiative, the Central European Free Trade Association (CEFTA), and the Stability Pact for Southeast Europe;

Whereas Slovenia has been an active contributor to peace support operations around the world, including the NATO Stabilization Force in Bosnia and Herzegovina, NATO's Kosovo Force, and United Nations peacekeeping operations in Cyprus and Lebanon;

Whereas Slovenia made invaluable contributions to NATO's Operation ALLIED FORCE by providing NATO access and use of its airspace and ground transportation systems and by assisting the NATO efforts to provide Albania humanitarian relief during the air campaign against Yugoslavia;

Whereas Slovenia has contributed financial and humanitarian aid to the assistance effort in Kosovo, including refuge for more than 3500 people who had fled the region as a consequence of the violence that occurred in Kosovo;

Whereas Slovenia promotes regional cooperation through its contributions to the Trilateral Multinational Land Force, a multinational brigade established with Italy and Hungary;

Whereas Slovenia, a leader in the effort to remove land mines from the war-torn regions of the former Republic of Yugoslavia, established the highly effective International Trust Fund for Demining and Mine Victims Assistance; and

Whereas the NATO Enlargement Facilitation Act of 1996, passed by the Senate on July 25, 1996, identified Slovenia, along with Poland, Hungary, and the Czech Republic, as being among the NATO applicant states most prepared for the burdens and responsibilities of NATO membership: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) it is the policy of the United States to—

(1) support the integration of the Republic of Slovenia into transatlantic and European political, economic, and security institutions, including the North Atlantic Treaty Organization and the European Union; and

(2) continue and further reinforce the partnership between the United States and Slovenia, particularly their joint efforts to bring lasting peace and stability to all of Europe.

(b) It is the sense of Congress that—

(1) the Republic of Slovenia is to be commended for—

(A) its commitment to democratic principles, human rights, and rule of law;

(B) its transition from a communist, centrally planned economic system to a thriving free market economy; and

(C) its partnership with the United States and NATO during the recent conflicts that have undermined peace and stability in Southeastern Europe; and

(2) the accession of the Republic of Slovenia to full membership in transatlantic and European institutions would be an important step toward a Europe that is undivided, whole and free.

60TH ANNIVERSARY OF SOVIET EXECUTION

Mr. COVERDELL. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar 592, S. Con. Res. 118.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 118) commemorating the 60th anniversary of the execution of the Polish captives by Soviet authorities in April and May 1940.

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

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

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

The resolution (S. Con. Res. 118) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 118

Whereas 60 years ago, between April 3 and the end of May 1940, more than 22,000 Polish military officers, police officers, judges, other government officials, and civilians were executed by the Soviet secret police, the NKVD;

Whereas Joseph Stalin and other leaders of the Soviet Union, following meeting of the Soviet Politburo on March 5, 1940, signed the decision to execute these Polish captives;

Whereas 14,537 of these Polish victims have been documented at 3 sites, 4,406 in Katyn (now in Belarus), 6,311 in Miednoye (now in Russia), and 3,820 in Kharkiv (now in Ukraine);

Whereas the fate of approximately 7,000 other victims remains unknown and their graves together with the graves of other victims of communism, are scattered around the territory of the former Soviet Union and are now impossible to locate precisely;

Whereas on April 13, 1943, the German army announced the discovery of the massive graves in the Katyn Forest, when that area was under Nazi occupation;

Whereas on April 15, 1943, the Soviet Information Bureau disavowed the executions and attempted to cover up the Soviet Union's responsibility for these executions by declaring that these Polish captives had been engaged in construction work west of Smolensk and had fallen into the hands of the Germans, who executed them;

Whereas on April 28–30, 1943, an international commission of 12 medical experts visited Katyn at the invitation of the German government and later reported unanimously that the Polish officers had been shot three years earlier when the Smolensk area was under Soviet administration;

Whereas until 1990 the Government of the Soviet Union denied any responsibility for the massacres and claimed to possess no information about the fate of the missing Polish victims;

Whereas on April 13, 1990, Soviet President Mikhail Gorbachev acknowledged the Soviet responsibility for the Katyn executions;

Whereas this admission confirmed the 1951–52 extensive investigation by the United States House of Representatives Select Committee to Conduct an Investigation and Study of the Facts, Evidence, and Circumstances of the Katyn Forest Massacre and its Final Report (pursuant to House Resolution H.R. 390 and H.R. 539, 82d Congress);

Whereas that committee's final report of December 22, 1952, unanimously concluded that ''beyond any question of reasonable doubt, that the Soviet NKVD (People's Commissariat of Internal Affairs) committed the mass murders of the Polish officers and intellectual leaders in the Katyn Forest near Smolensk'' and that the Soviet Union ''is directly responsible for the Katyn massacre''; and

Whereas that report also concluded that ''approximately 15,000 Polish prisoners were interned in three Soviet camps: Kozielsk, Starobielsk, and Ostashkov in the winter of 1939–40'' and, ''with the exception of 400 prisoners, these men have not been heard from, seen, or found since the spring of 1940'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress hereby—

(1) remembers and honors those Polish officers, government officials, and civilians who were murdered in April and May 1940 by the NKVD;

(2) recognizes all those scholars, researchers, and writers from Poland, Russia, the United States and, elsewhere and, particularly, those who worked under Soviet and communist domination and who had the courage to tell the truth about the crimes committed at Katyn, Miednoye, and Kharkiv; and

(3) urges all people to remember and honor these and other victims of communism so that such crimes will never be repeated.

COMMENDING REPUBLIC OF CROATIA

Mr. COVERDELL. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar 593, House concurrent resolution 251.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 251) commending the Republic of Croatia for the conduct of its parliamentary and Presidential election.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations, with an amendment and an amendment to the preamble, as follows:

[The parts of the resolution intended to be stricken are shown in boldface brackets and the parts of the resolution intended to be inserted are shown in italic.]

Whereas the fourth Croatian parliamentary elections, held on January 3, 2000, marked Croatia's progress toward meeting its commitments as a participating state of the Organization on Security and Cooperation in Europe (OSCE) and as a member of the Council of Europe;

Whereas Croatia's third presidential elections were conducted smoothly and professionally and concluded on February 7, 2000, with the **[**landslide**]** election of Stipe Mesic as the new President of the Republic of Croatia;

Whereas the free and fair elections in Croatia, and the following peaceful and orderly transfer of power from the old government to the new, is an example of democracy to the people of other nations in the region and a major contribution to the democratic development of southeastern Europe; and

Whereas the people of Croatia have made clear that they want Croatia to take its rightful place in the family of European democracies and to develop a closer and more constructive relationship with the Euro-Atlantic community of democratic nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), **[**That it is the sense of Congress that—

[(1) the people of the Republic of Croatia are to be congratulated on the successful elections and the outgoing Government of Croatia is to be commended for the democratic standards with which it managed the elections;

[(2) the United States should support the efforts of the new Government of Croatia to increase its work on refugee return, privatization reform, media reform, and further cooperation with the International Criminal Tribunal for Former Yugoslavia (ICTY) to set an example to other countries in the region;

[(3) the Congress strongly supports Croatia's commitment to western democratic standards and will give its full support to the new Government of Croatia to fully implement democratic reforms; and

[(4) the United States continues to promote Croatian-American economic, political, and military relations and recognizes Croatia as a loyal partner in south central Europe.

[(5) taking into consideration Croatia's contributions as a committed partner in the region, the Congress recommends establishing strategic partnership with the Republic of Croatia and supports its membership in the North Atlantic Treaty Organization's Partnership for Peace program and its accession into the World Trade Organization.**]**

That it is the sense of Congress that—

(1) the people of the Republic of Croatia are to be congratulated on the successful elections and the outgoing Government of Croatia is to be commended for the democratic standards with which it managed the elections;

(2) the United States should support the efforts of the new Government of Croatia to increase its work on refugee return, privatization reform, media reform, and further cooperation with the International Criminal Tribunal for Former Yugoslavia (ICTY) to set an example to other countries in the region;

(3) Congress strongly supports Croatia's commitment to western democratic standards and will give its full support to the new Government of Croatia to fully implement democratic reforms; and

(4) the United States continues to promote Croatian-American economic, political, and military relations and recognizes Croatia as a loyal partner in south central Europe.

Mr. COVERDELL. I ask unanimous consent that the committee amendment be agreed to.

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

The committee amendment was agreed to.

Mr. COVERDELL. I ask unanimous consent that the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 251), as amended, was agreed to.

The preamble, as amended, was agreed to.

EXPRESSING THE CONDEMNATIONS OF THE CONTINUED EGREGIOUS VIOLATIONS OF HUMAN RIGHTS IN THE REPUBLIC OF BELARUS

Mr. COVERDELL. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar 594, House concurrent resolution 304.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 304) expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus.

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

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

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

The concurrent resolution (H. Con. Res. 304) was agreed to.

The preamble was agreed to.

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

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order for not to exceed 15 minutes.

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

THE PROPER DECORUM OF THE SENATE

Mr. BYRD. Mr. President, I think it would be appropriate at this moment for me to say that this Presiding Officer, Senator PAT ROBERTS, is one of the best among the Presiding Officers in the Senate today. He pays attention to what is going on on the floor. Even though there may not be much going on, he is alert to what is happening on the floor.

This is the premier upper Chamber in the world today. There are 61 nations in the world that have bicameral legislative bodies today. All the others have unicameral legislative bodies. But the U.S. Senate and the Italian Senate are the only bicameral legislative bodies in the world today in which the upper Chamber is not dominated by the lower Chamber.

It is so important that this Senate be seen as a model, as a Senate in which there is decorum and order, a Senate which reveres the Chair and respects the Chair. This is one reason why I have been, of late, urging the Chair to maintain order in the well of the Senate. Now, 59 Senators out of 100 Senators today came to this body after I was majority leader of the Senate. Almost 60 percent of the Senators here today were not Members of this body when I was last majority leader of the body.

Now, what I look upon as some disorder in the Senate is when Senators get into the well and mill around. It really looks like the floor of the stock exchange, and it does not bring credit upon the Senate. I am sure that many senates throughout the States of this Nation look at this Senate as the model, look at this Senate as the body from which all senates should learn. But I fear that they see just the opposite.

I have been in the State legislature in my own State, and I have been in both houses. I have to say, frankly, that the decorum, the order within the House of Delegates in West Virginia and in the West Virginia Senate is far more to be desired than we find in that U.S. Senate. This is a situation that has really developed only during the last 10 or 12 years. I am sure that as the 59 out of the 100 Senators who came here following my last turn at the wheel as majority leader see this disorder in the Senate, where so many Senators gather in the well and they talk and they laugh and make a great deal of noise, these newest Senators probably believe that is the way it has always been. They may believe that is just normal for the Senate. But it is not.

I cannot imagine Senator Wallace Bennett, Senator George Aiken, Senator Norris Cotton, Senator Everett Dirksen, Senator Richard Russell, Senator Stuart Symington, Senator John Pastore, or Senator Joseph O'Mahoney going into the well. These were the Senators who were in this body when I came here. Senators didn't go down into the well and mill around in those days. Oh, they walked through the well, or they might walk up to the table and ask something about the vote, or they might walk up to the Parliamentarian and make some inquiry; but they didn't gather in the well and carry on long conversations. They sat in their seats. Most of them knew how they were going to vote before they came to the floor. They had already been advised by their staffs or they studied the legislation. So they didn't go into the well. I think that looks bad upon the Senate.

I don't think the Senate sets a good example when we are so oblivious to how the Senate appears to the people who are watching their televisions sets or to the people in the galleries. Hundreds of thousands of people come to Washington every year, and many of them sit in the Senate galleries and watch the Senate. I wonder what is going through their minds when they see these Senators come in here and gather in the well and carry on loud conversations. How different it is when Senators, upon occasion, sit in their seats. How very impressive it is when the U.S. Senate acts in accordance with the standing orders and rules of the Senate.

It is the duty of the Chair to maintain order in the Senate and, of course, when there is confusion that arises in the galleries, it is the duty of the Chair—without being asked from the floor, without a point of order being made from the floor—to maintain order and decorum in the Senate.

I am trying to get the Senate to think about this and go back to the old ways, wherein Senators voted and then went to their chairs, or they voted from their desks. There is a standing order of the Senate that requires Senators to vote from their desks. I don't intend to be set-jawed about it, and if Senators want to walk through the well to see what it is we are voting on, or if they want to vote from someplace other than their own desks, I have no quarrel with that. But I think they ought to sit down. There are plenty of places where Senators can converse. We can go to the respective Cloakrooms, or we can walk outside the Chamber. So it isn't that Senators are required to avoid speaking to one another in the Chamber. We ought to be conscious that this Senate is the model—or it should be.

I hope Senators will read what I have said. They see me insist on the well's being cleared and they may think I am trying to run the Senate. Of course, I am not. I want people to revere the Senate and respect the Senate. If they respect this body, they will have more respect for the laws that we enact.

Mr. President, I ask unanimous consent that the time I have taken not be charged against my request thus far.

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

Mr. BYRD. Mr. President, again, I thank the Senator from Kansas who is a model Presiding Officer, and there are a few others in this body.

HONORING SENATOR DANIEL K. INOUYE AS RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR

Mr. BYRD. Mr. President, the strength of this Nation lies in its people. Throughout our Nation's history, American men and women have been called upon time and time again to serve the Nation in times of peril. These men and women, at great risk to themselves and without regard to their personal safety, have given their all for their Country. These are the true heroes of America.

We have some of such heroes in this body who have given so very much for their country—Senator MAX CLELAND,

Senator BOB KERREY; there are others. But today I speak of one such American hero, our esteemed colleague, DANIEL INOUYE.

Like many others in this body, I have always thought of Senator INOUYE as a national hero. I know of his wartime heroics in France and Italy during World War II. I know of how he fought to protect the troops with whom he served, without regard for his own life. Even though gravely wounded, Lieutenant DANIEL INOUYE continued to fight, advancing alone against a machine-gun nest that had his men pinned down. I know that, upon returning home, DAN INOUYE spent twenty months in Army hospitals after losing his right arm. He came home as a Captain, with a Distinguished Service Cross, a Bronze Star, a Purple Heart with cluster, and twelve other medals and citations.

After receiving his law degree at George Washington University Law School, DANNY broke into politics in 1954 with his election to the Territorial House of Representatives. After Hawaii became a State on August 21, 1959, DANNY INOUYE won election to the United States House of Representatives as Hawaii's first Congressman, and was re-elected to a full term in 1960. In 1962, he was elected to represent Hawaii in the United States Senate.

I am proud to say that I am one who voted for statehood on behalf of both Alaska and Hawaii. I believe that I am the only Senator still serving here today who voted for statehood for both of these states. I am very proud of having done that. I believe that I am also one of only three members of today's Senate who were here when DAN INOUYE joined this body in 1963.

I have had the pleasure of working with DANNY INOUYE on many, many occasions over the years. He is a man of utmost integrity, who works tirelessly on behalf of his constituents and on behalf of the Nation. He is one Senator who was extremely supportive of me during my service as Majority Leader, as Minority Leader, as Chairman of the Appropriations Committee, and now as the Committee's Ranking Member. He is a Senator on whom I have relied for truth, for integrity, for steadfastness, for forthrightness, and as one who is highly dedicated to his work here in the Senate.

DANNY INOUYE is a man who is modest about his many accomplishments here in the Senate, as well as his wartime heroics. He is not one to talk much about those things. He is a quiet, self-effacing Senator. But we are all aware of his great service to this Country throughout his adult life.

I am immensely proud of this outstanding American in our midst, and we are deeply moved that, this week, DANNY INOUYE was awarded the highest military honor that can be bestowed upon any American citizen—the Congressional Medal of Honor. He has joined the ranks of the six other United States Senators who have received the Congressional Medal of Honor, namely, Senator Adelbert Ames of Mississippi, Senator Matthew S. Quay of Pennsylvania, Senator William J. Sewell of New Jersey, Senator Francis E. Warren of Wyoming, Senator Henry A. du Pont of Delaware, and Senator J. ROBERT KERREY of Nebraska. Senator INOUYE is the only United States Senator in history to receive the Medal of Honor for service in World War II.

A bit of verse comes to mind.

This I beheld, or dreamed it in a dream:
There spread a cloud of dust along a plain;
And underneath the cloud, or in it, raged
A furious battle, and men yelled, and swords
Shocked upon swords and shields.
A prince's banner
Wavered, then staggered backward, hemmed by foes.
A craven hung along the battle's edge
And thought, ''Had I a sword of keener steel—
That blue blade that the king's son bears—but this
Blunt thing!'' He snapt and flung it from his hand,
And lowering, crept away and left the field.
Then came the king's son, wounded, sore bestead,
And weaponless, and saw the broken sword,
Hilt-buried in the dry and trodden sand,
And ran and snatched it; and with battle shout
Lifted afresh, he hewed his enemy down,
And saved a great cause that heroic day.

DANNY INOUYE has this same bravery as described of the king's son in Edward Rowland Sill's poem. DANNY INOUYE is the kind of man who sees beyond the hilt-buried sword in the dry and trodden sand. He is a man who sees opportunity in the worst of situations, rather than despair. And, seizing every opportunity to advance a good cause, he acts swiftly and courageously to meet adversity head-on.

I thank the Chair again, and express to DANNY INOUYE and his lovely wife, on behalf of my wife Erma and me, our congratulations, our best wishes, and our thankfulness to the Almighty for giving us two such wonderful friends—Senator and Mrs. DANIEL INOUYE.

I thank the people of Hawaii for repeatedly sending DANNY INOUYE to the Senate.

I express this hope, and I am sure DANIEL INOUYE would say the same if he were here:

May God, the Almighty Creator, always watch over and keep the Senate of the United States, and may God always bless the United States of America.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the quorum call be dispensed with, and, without objection it is so ordered.

URGING COMPLIANCE WITH THE HAGUE CONVENTION

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I request unanimous consent that the Senate proceed to the consideration of H. Con. Res. 293.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 293) urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

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

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD, and, without objection, it is so ordered.

The resolution (S. Con. Res. 293) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

H. CON. RES. 293

Whereas the Department of State reports that at any given time there are 1,000 open cases of American children either abducted from the United States or wrongfully retained in a foreign country;

Whereas many more cases of international child abductions are not reported to the Department of State;

Whereas the situation has worsened since 1993, when Congress estimated the number of American children abducted from the United States and wrongfully retained in foreign countries to be more than 10,000;

Whereas Congress has recognized the gravity of international child abduction in enacting the International Parental Kidnapping Crime Act of 1993 (18 U.S.C. 1204), the Parental Kidnapping Prevention Act (28 U.S.C. 1738a), and substantial reform and reporting requirements for the Department of State in the fiscal years 1998–1999 and 2000–2001 Foreign Relations Authorization Acts;

Whereas the United States became a contracting party in 1988 to the Hague Convention on the Civil Aspects of International Child Abduction (in this concurrent resolution referred to as the ''Hague Convention'') and adopted effective implementing legislation in the International Child Abduction Remedies Act (42 U.S.C. 11601 et seq.);

Whereas the Hague Convention establishes mutual rights and duties between and among its contracting states to expedite the return of children to the state of their habitual residence, as well as to ensure that rights of custody and of access under the laws of one contracting state are effectively respected in other contracting states, without consideration of the merits of any underlying child custody dispute;

Whereas article 13 of the Hague Convention provides a narrow exception to the requirement for prompt return of children, which exception releases the requested state from its obligation to return a child to the country of the child's habitual residence if it is established that there is a ''grave risk'' that the return would expose the child to ''physical or psychological harm or otherwise place the child in an intolerable situation'' or ''if the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of the child's views'';

Whereas some contracting states, for example Germany, routinely invoke article 13

as a justification for nonreturn, rather than resorting to it in a small number of wholly exceptional cases;

Whereas the National Center for Missing and Exploited Children (NCMEC), the only institution of its kind, was established in the United States for the purpose of assisting parents in recovering their missing children;

Whereas article 21 of the Hague Convention provides that the central authorities of all parties to the Convention are obligated to cooperate with each other in order to promote the peaceful enjoyment of parental access rights and the fulfillment of any conditions to which the exercise of such rights may be subject, and to remove, as far as possible, all obstacles to the exercise of such rights;

Whereas some contracting states fail to order or enforce normal visitation rights for parents of abducted or wrongfully retained children who have not been returned under the terms of the Hague Convention; and

Whereas the routine invocation of the article 13 exception, denial of parental visitation of children, and the failure by several contracting parties, most notably Austria, Germany, Honduras, Mexico, and Sweden, to fully implement the Convention deprives the Hague Convention of the spirit of mutual confidence upon which its success depends: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress urges—

(1) all contracting parties to the Hague Convention, particularly European civil law countries that consistently violate the Hague Convention such as Austria, Germany and Sweden, to comply fully with both the letter and spirit of their international legal obligations under the Convention;

(2) all contracting parties to the Hague Convention to ensure their compliance with the Hague Convention by enacting effective implementing legislation and educating their judicial and law enforcement authorities;

(3) all contracting parties to the Hague Convention to honor their commitments and return abducted or wrongfully retained children to their place of habitual residence without reaching the merits of any underlying custody dispute and ensure parental access rights by removing obstacles to the exercise of such rights;

(4) the Secretary of State to disseminate to all Federal and State courts the Department of State's annual report to Congress on Hague Convention compliance and related matters; and

(5) each contracting party to the Hague Convention to further educate its central authority and local law enforcement authorities regarding the Hague Convention, the severity of the problem of international child abduction, and the need for immediate action when a parent of an abducted child seeks their assistance.

RUSSIAN FEDERATION'S TREATMENT OF ANDREI BABITSKY

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 598, S. Res. 303.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 303) expressing the sense of the Senate regarding the treatment by the Russian Federation of Andrei Babitsky, a Russian journalist working for Radio Free Europe/Radio Liberty, which had been reported from the Committee on Foreign Relations, with an amendment, as follows:

[The parts of the resolution intended to be stricken are shown in boldface brackets and the parts of the resolution intended to be inserted are shown in italic.]

S. RES. 303

Whereas Andrei Babitsky, an accomplished Russian journalist working for Radio Free Europe/Radio Liberty, a United States Government-funded broadcasting service, faces serious charges in Russia after being held captive and beaten by Russian authorities;

Whereas the mission of Radio Free Europe/Radio Liberty's bureaus in Russia is to provide Russian listeners objective and uncensored reporting on developments in Russia and around the world;

Whereas Russian authorities repeatedly denounced Mr. Babitsky for his reporting on the war in Chechnya, including his documentation of Russian troop casualties and the Russian Federation's brutal treatment of Chechen civilians;

Whereas Senate Resolutions 223 and 262 of the One Hundred Sixth Congress condemning the violence in Chechnya and urging a peaceful resolution to the conflict were adopted by the Senate by unanimous consent on November 19, 1999, and February 24, 2000, respectively;

Whereas on January 16, Mr. Babitsky was arrested by Russian police in the Chechen battle zone, was accused of assisting the Chechen forces, and was told he was to stand trial in Moscow;

Whereas Russian authorities took Mr. Babitsky to a ''filtration camp'' for suspected Chechen collaborators where he was severely beaten and then transferred to an undisclosed location;

Whereas on February 3, the Government of the Russian Federation announced that it had traded Mr. Babitsky to Chechen units in exchange for Russian prisoners, a violation of the Geneva Conventions to which Russia is a party;

Whereas on February 25, Mr. Babitsky was released by his captors in the Republic of Dagestan, only to be jailed by Russian officials for carrying false identity papers;

Whereas Mr. Babitsky says the papers were forced on him by his captors and used to smuggle him across borders;

Whereas Mr. Babitsky now faces charges from the Government of the Russian Federation of collaborating with the Chechens and carrying false identity papers and is not allowed to leave the city of Moscow;

Whereas on February 25, a senior advisor in Russia's Foreign Ministry published an article in The Moscow Times entitled ''Should Liberty Leave?'', which condemned the coverage by Radio Free Europe/Radio Liberty of the war in Chechnya, particularly reporting by Radio Free Europe/Radio Liberty correspondent Andrei Babitsky, and which stated that it would ''be better to close down the branches of Radio Liberty on Russian territory'';

Whereas on March 13, the Russian Ministry of the Press ordered Radio Free Europe/Radio Liberty's Moscow Bureau to provide complete recordings of broadcasts between February 15 and March 15, an action that Radio Free Europe/Radio Liberty described as ''designed to intimidate us and others'';

Whereas on March 14, the Russian Ministry of the Press issued a directive to prevent the broadcast of interviews from Chechen resistance leaders, an act of censorship which undercuts the ability of Radio Free Europe/Radio Liberty to fulfill its responsibilities as an objective news organization;

Whereas the treatment of Mr. Babitsky intimidates other correspondents working in Russia, particularly those covering the tragic story unfolding in Chechnya;

Whereas Russia's evolution into a stable democracy requires a free and vibrant press; and

Whereas it is imperative that the United States Government respond vigorously to the harassment and intimidation of Radio Free Europe/Radio Liberty: Now, therefore, be it

Resolved, **[**That the Senate—

[(1) urges the Government of the Russian Federation to drop its charges against Mr. Babitsky;

[(2) calls upon the Government of the Russian Federation to provide a full accounting of Mr. Babitsky's detention;

[(3) condemns the Russian Federation's harassment and intimidation of Radio Free Europe/Radio Liberty and other news organizations;

[(4) calls upon the Government of the Russian Federation to adhere fully to the Universal Declaration of Human Rights, which declares in Article 19 that ''everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers'';

[(5) urges the Government of the Russian Federation and the President of the United States to implement the recommendations in Senate Resolutions 223 and 262 of the One Hundred Sixth Congress; and

[(6) urges the President of the United States to place these issues high on the agenda for his June 4–5 summit meeting with President Vladimir Putin of the Russian Federation.**]**

That the Senate—

(1) urges the Government of the Russian Federation to drop its charges against Mr. Babitsky;

(2) calls upon the Government of the Russian Federation to provide a full accounting of Mr. Babitsky's detention;

(3) condemns the Russian Federation's harassment and intimidation of Radio Free Europe/Radio Liberty and other news organizations;

(4) calls upon the Government of the Russian Federation to adhere fully to the Universal Declaration of Human Rights, which declares in Article 19 that ''everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers''; and

(5) urges the Government of the Russian Federation and the President of the United States to implement the recommendations in Senate Resolutions 223 and 262 of the One Hundred Sixth Congress.

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

Mr. KENNEDY. Mr. President, this resolution, S. Res. 303, which I introduced with Senator GRAMS and Senator LEAHY on May 4, expresses our deep concern about the continuing plight of the Russian journalist Andrei Babitsky. The resolution was approved unanimously by the Senate Foreign Relations Committee on June 7.

Mr. Babitsky, an accomplished journalist working for Radio Free Europe/Radio Liberty, still faces serious charges in Russia after being held captive by Russian authorities, beaten, and detained in a ''filtration camp'' for suspected Chechen collaborators.

The resolution asks the Russian Government to drop its trumped-up charges against Mr. Babitsky, and provide a full accounting of his detention.

In addition, the resolution states that the Senate condemns harassment and intimidation of Radio Free Europe/Radio Liberty and other news organizations. It calls upon the Russian Government to adhere fully to the Universal Declaration of Human Rights, which calls for freedom of expression worldwide.

For 10 years, Mr. Babitsky has helped fulfill the mission of Radio Free Europe/Radio Liberty to provide Russian listeners with objective and uncensored reporting. But Russian authorities, displeased with Mr. Babitsky's courageous reporting on the war in Chechnya, accused him of assisting the Chechen forces and ordered him arrested in the battle zone last January.

After six weeks in captivity, Mr. Babitsky was released, and then jailed again by Russian officials for carrying false identity papers. He says the papers were forced upon him. After an international outcry arose over his case, he was again released. But he still is not allowed to leave Moscow, and he still faces charges for carrying false papers and aiding the Chechens.

In addition, Russian authorities have continued to condemn Radio Liberty's coverage of the Chechen conflict, and have suggested that Radio Liberty should be forced to abandon its facilities in Moscow and throughout Russia. The authorities have taken steps to censor Radio Liberty and to intimidate its correspondents and others.

The United States should respond vigorously to this harassment and intimidation. The Russian government should drop its trumped-up charges against Mr. Babitsky. I urge my colleagues to support the resolution.

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the committee amendment be agreed to, and, without objection, it is so ordered.

The committee amendment was agreed to.

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD, and, without objection, it is so ordered.

The resolution (S. Res. 303), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 303

Whereas Andrei Babitsky, an accomplished Russian journalist working for Radio Free Europe/Radio Liberty, a United States Government-funded broadcasting service, faces serious charges in Russia after being held captive and beaten by Russian authorities;

Whereas the mission of Radio Free Europe/Radio Liberty's bureaus in Russia is to provide Russian listeners objective and uncensored reporting on developments in Russia and around the world;

Whereas Russian authorities repeatedly denounced Mr. Babitsky for his reporting on the war in Chechnya, including his documentation of Russian troop casualties and the Russian Federation's brutal treatment of Chechen civilians;

Whereas Senate Resolutions 223 and 262 of the One Hundred Sixth Congress condemning the violence in Chechnya and urging a peaceful resolution to the conflict were adopted by the Senate by unanimous consent on November 19, 1999, and February 24, 2000, respectively;

Whereas on January 16, Mr. Babitsky was arrested by Russian police in the Chechen battle zone, was accused of assisting the Chechen forces, and was told he was to stand trial in Moscow;

Whereas Russian authorities took Mr. Babitsky to a ''filtration camp'' for suspected Chechen collaborators where he was severely beaten and then transferred to an undisclosed location;

Whereas on February 3, the Government of the Russian Federation announced that it had traded Mr. Babitsky to Chechen units in exchange for Russian prisoners, a violation of the Geneva Conventions to which Russia is a party;

Whereas on February 25, Mr. Babitsky was released by his captors in the Republic of Dagestan, only to be jailed by Russian officials for carrying false identity papers;

Whereas Mr. Babitsky says the papers were forced on him by his captors and used to smuggle him across borders;

Whereas Mr. Babitsky now faces charges from the Government of the Russian Federation of collaborating with the Chechens and carrying false identity papers and is not allowed to leave the city of Moscow;

Whereas on February 25, a senior advisor in Russia's Foreign Ministry published an article in The Moscow Times entitled ''Should Liberty Leave?'', which condemned the coverage by Radio Free Europe/Radio Liberty of the war in Chechnya, particularly reporting by Radio Free Europe/Radio Liberty correspondent Andrei Babitsky, and which stated that it would ''be better to close down the branches of Radio Liberty on Russian territory'';

Whereas on March 13, the Russian Ministry of the Press ordered Radio Free Europe/Radio Liberty's Moscow Bureau to provide complete recordings of broadcasts between February 15 and March 15, an action that Radio Free Europe/Radio Liberty described as ''designed to intimidate us and others'';

Whereas on March 14, the Russian Ministry of the Press issued a directive to prevent the broadcast of interviews from Chechen resistance leaders, an act of censorship which undercuts the ability of Radio Free Europe/Radio Liberty to fulfill its responsibilities as an objective news organization;

Whereas the treatment of Mr. Babitsky intimidates other correspondents working in Russia, particularly those covering the tragic story unfolding in Chechnya;

Whereas Russia's evolution into a stable democracy requires a free and vibrant press; and

Whereas it is imperative that the United States Government respond vigorously to the harassment and intimidation of Radio Free Europe/Radio Liberty: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Government of the Russian Federation to drop its charges against Mr. Babitsky;

(2) calls upon the Government of the Russian Federation to provide a full accounting of Mr. Babitsky's detention;

(3) condemns the Russian Federation's harassment and intimidation of Radio Free Europe/Radio Liberty and other news organizations;

(4) calls upon the Government of the Russian Federation to adhere fully to the Universal Declaration of Human Rights, which declares in Article 19 that ''everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers''; and

(5) urges the Government of the Russian Federation and the President of the United States to implement the recommendations in Senate Resolutions 223 and 262 of the One Hundred Sixth Congress.

SUPPORTING THE GOALS AND IDEALS OF THE OLYMPICS

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Resolution 254, and, without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 254) supporting the goals and ideals of the Olympics.

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

AMENDMENT NO. 3618

(Purpose: To make a clerical amendment)

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I send an amendment to the desk.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS], for Mr. CAMPBELL, proposes an amendment numbered 3618.

In the preamble, in the tenth whereas clause, insert '', 2000'' after ''June 23''.

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the amendment to the preamble be agreed to, the resolution be agreed to, the preamble be agreed to, as amended, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD, and, without objection, it is so ordered.

The amendment to the preamble, amendment (No. 3618) was agreed to.

The preamble, as amended, was agreed to.

The resolution (S. Res. 254) was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 254

Whereas for over 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States Olympic Committee is dedicated to coordinating and developing amateur athletic activity in the United States to foster productive working relationships among sports-related organizations;

Whereas the United States Olympic Committee promotes and supports amateur athletic activities involving the United States and foreign nations;

Whereas the United States Olympic Committee promotes and encourages physical fitness and public participation in amateur athletic activities;

Whereas the United States Olympic Committee assists organizations and persons concerned with sports in the development of athletic programs for amateur athletes;

Whereas the United States Olympic Committee protects the opportunity of each amateur athlete, coach, trainer, manager, administerator, and official to participate in amateur athletic competition;

Whereas athletes representing the United States at the Olympic Games have achieved great success personally and for the Nation;

Whereas thousands of men and women of the United States are focusing their energy and skill on becoming part of the United States Olympic Team, and aspire to compete in the 2000 Summer Olympic Games in Sydney, Australia, and the 2002 Olympic Winter Games in Salt Lake City, Utah;

Whereas the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by the athletes of the United States Olympic Team; and

Whereas June 23, 2000 is the anniversary of the founding of the modern Olympic movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of the Olympics;

(2) calls upon the President to issue a proclamation recognizing the anniversary of the founding of the modern Olympic movement; and

(3) calls upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

ORDERS FOR MONDAY, JUNE 26, 2000

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that, when the Senate completes its business today it stand in adjournment until 1 p.m. Monday, and when the Senate convenes there be a period for morning business, with Senator DURBIN controlling the time until 2 p.m. and Senator THOMAS until 3 p.m. and, without objection, it is so ordered.

ADJOURNMENT UNTIL 1 P.M. MONDAY, JUNE 26, 2000

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, under the previous order, I ask unanimous consent that the Senate stand in adjournment until 1 p.m., Monday, June 26, 2000.

There be no objection, the Senate, at 1:04 p.m., adjourned until Monday, June 26, 2000, at 1 p.m.