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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, July 10, 2000, at 12:30 p.m.

Senate

FRIDAY, JUNE 30, 2000

The Senate met at 9:31 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:

Spirit of the living God, fall afresh on this Senate Chamber, enter the mind and heart of each Senator, and reign as Sovereign over all that is said and done this day. We confess that it is sometimes easier to use pious words to pray about Your presence and power than it is to turn over the control of our lives and our work to You. We are strong willed people, we want things done our way, and often we are better at manipulation than meditation and mediation. Built right into our two party system is the potential for discord and the lack of civility. It is so easy for us to get suited up like mountain climbers and then scramble over molehills. Procedures can become more important than progress and winning more crucial than being willing to work together. Now at the beginning of this day remind the Senators and all of us who serve with them that this is Your Senate, that we are accountable to You, and that we could not breathe our next breath without Your permission. Keep our attention on what needs to be done now rather than on how what is said and done now will impact the November election. In our mind's eye we picture a day in which we put You and our Nation first. We humble ourselves lest we be humiliated by missing the call to greatness. In Your all powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN D. 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 majority leader, I have been asked to announce, as manager of the bill, that the Senate will immediately resume consideration of H.R. 4577, the Labor, Health and Human Services, and Education appropriations bill. Under the previous order, there are several votes remaining on amendments to the bill, including the Wellstone amendment regarding drug pricing, the Helms amendment regarding school facilities, the Harkin amendment regarding IDEA, and any amendment that is not cleared within the managers' package, and disposition of the point of order, along with a vote on final passage of the Labor-HHS appropriations bill, and possibly a vote on the adoption of the conference report to accompany the military construction appropriations bill.

The leader has asked that I pass on his message to urge Senators to remain in the Chamber during votes in order to expedite the conclusion of the proceedings.

RESERVATION OF LEADER TIME

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

MEASURE PLACED ON CALENDAR—H.R. 4680

Mr. SPECTER. Mr. President, before we proceed to the Wellstone amendment, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4680) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes.

Mr. SPECTER. Mr. President, on behalf of the majority leader, I object to further proceedings on that bill at this time.

The PRESIDING OFFICER. Under the rule, the bill will be placed on the calendar.

(Action taken on June 29, 2000 but not printed in that edition of the RECORD.)

MEASURE PLACED ON CALENDAR—S. 2808

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

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

Printed on recycled paper.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2808) to amend the Internal Revenue Code of 1986 to temporarily suspend the Federal fuels tax.

Mr. FRIST. I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

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:

Helms amendment No. 3697, to prohibit the expenditure of certain appropriated funds for the distribution or provision of, or the provision of a prescription for, postcoital emergency contraception.

Wellstone amendment No. 3698, to provide for a limitation on the use of funds for certain agreements involving the conveyance of licensing of a drug.

Harkin amendment No. 3699, to fully fund the programs of the Individuals with Disabilities Education Act.

Mr. SPECTER. Mr. President, one item came up in the course of the consideration of the bill on which I commented I would respond to regarding the increase in this bill over last year's bill.

This year's bill contains a program level of $104.5 billion for fiscal year 2001. This is a $7.9 billion increase over fiscal year 2000, which had a program level of $96.6 billion. When assertions have been made that the bill has grown by 20.4 percent—that is over 20 percent—that is not correct. That calculation is made by comparing the fiscal year 2001 program level of $104.5 billion with the fiscal year 2000 budget authority level of $86.5 billion. That is not an accurate comparison.

When you compare the 2001 actual program level to the 2000 program level, the real increase is 8.2 percent.

This question has come up with some frequency. I thought it would be useful to make that explanation.

Mr. President, I think we are now prepared to proceed to the Wellstone amendment.

Mr. WELLSTONE. Mr. President, before we proceed, could I ask my colleague, is it 2 minutes equally divided or 4 minutes equally divided on each amendment?

Mr. SPECTER. Mr. President, the Senator from Minnesota is correct. Each side has 1 minute, and then we go to the vote.

Mr. WELLSTONE. I thank the Senator.

AMENDMENT NO. 3698

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for explanation prior to a vote on Wellstone amendment No. 3698.

Mr. WELLSTONE. Mr. President, this amendment reinstates the Bush administration's policy of requiring a reasonable pricing clause in the NIH drug patent licensing agreements and cooperative research agreements with pharmaceutical companies unless waived on public interest grounds. It does not apply to universities. A very similar amendment passed by a 2-to-1 margin in the House of Representatives.

All this says is, when it is our public dollars—taxpayer money, our constituents' money—we expect that the drug companies, when they benefit from all this, will agree to charge our constituents a reasonable price.

I think this is an amendment that should command widespread support. I have offered this amendment with Senator JOHNSON. It has support from the National Council of Senior Citizens, Families USA, and the Committee to Preserve Social Security and Medicare.

I also want to say that I think Senator LEVIN, last night, hit the nail on the head when he said: It is bad enough that we have exorbitant prices. It is worse when we actually subsidize the research, and then we do not ask anything in return from these companies.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the objective of the Wellstone amendment is laudable in trying to have reasonable prices. The difficulty is that this was tried 7 or 8 years ago and was found to be very counterproductive. Instead of encouraging tests and development of pharmaceutical products, it discouraged them. We have already adopted the Wyden amendment which provides for a study on this issue.

There are some very important matters raised by the Senator from Minnesota. Our subcommittee will hold hearings on this subject shortly upon our return in July to try to find out whether the NIH ought to have a share of the patents or what would be a fair approach. There has been substantial experience with what the Senator from Minnesota suggests in the 1992, 1993, 1994 range, and it was counterproductive. That is why, although the objective is laudable, I am forced to oppose the amendment.

I move to table the Wellstone amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table the Wellstone amendment No. 3698. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), is necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH), would vote ''yes.''

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. LEAHY), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

The result was announced—yeas 56, nays 39, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—56

Abraham	Enzi	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Murkowski
Bennett	Gorton	Nickles
Biden	Gramm	Roberts
Bond	Grams	Santorum
Breaux	Hagel	Sessions
Brownback	Helms	Shelby
Bunning	Hutchinson	Smith (NH)
Burns	Hutchison	Smith (OR)
Campbell	Inhofe	Snowe
Cochran	Kerrey	Specter
Collins	Kyl	Stevens
Coverdell	Landrieu	Thomas
Craig	Lautenberg	Thompson
Crapo	Lieberman	Thurmond
DeWine	Lott	Torricelli
Dodd	Lugar	Warner
Domenici	Mack	

NAYS—39

Akaka	Feingold	Lincoln
Baucus	Feinstein	Mikulski
Bayh	Graham	Murray
Bingaman	Grassley	Reed
Bryan	Gregg	Reid
Byrd	Harkin	Robb
Chafee, L.	Hollings	Rockefeller
Cleland	Jeffords	Roth
Conrad	Johnson	Sarbanes
Daschle	Kennedy	Schumer
Dorgan	Kerry	Voinovich
Durbin	Kohl	Wellstone
Edwards	Levin	Wyden

NOT VOTING—5

Boxer	Inouye	Moynihan
Hatch	Leahy	

The motion to table was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3697

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for explanation prior to the vote on the Helms amendment No. 3697.

Mr. SPECTER. Mr. President, I ask unanimous consent that the next votes in this series be limited to 10 minutes each.

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

The Senate will be in order. There are a considerable number of votes to come.

Mr. BYRD. Mr. President, I thank the Chair for trying to get order. Will Senators please respect the Chair.

Mr. ROBB. Mr. President, lest there be any confusion on the vote we are about to cast, it is my understanding that minors who seek a prescription drug from a school-based health clinic can do so only after receiving consent from a parent or guardian. Given that this standard is already in place, I don't believe it is the place of the federal government to instruct states and localities what specific services can or cannot be offered in these clinics—I trust communities to decide for themselves what services should be offered

in their school-based clinics, based on their values and priorities.

The PRESIDING OFFICER. When the conversations in the well have concluded, we will be able to continue.

The Senator from North Carolina is recognized for 1 minute.

Mr. HELMS. Mr. President, I thank the Chair.

I ask unanimous consent that it be in order for me to make my remarks from my chair.

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

Mr. HELMS. I thank the Chair.

Mr. President, a basic question—and I think a significant one—pending with this amendment is: Should the taxpayers be required to pay for the controversial ''morning-after pill''—which is identified as an abortifacient—to be distributed to schoolgirls on school property? The answer, Mr. President, is absolutely not.

But as CRS reported to me, federal law does, indeed, permit the ''morning-after pill'' to be distributed at school-health clinics.

I urge my colleagues to prohibit funds from the Labor, HHS, and Education appropriations bill to be used to distribute the ''morning-after pill'' on school property.

The PRESIDING OFFICER. All time has expired. Who seeks recognition in opposition? The Senator from Iowa.

Mr. HARKIN. How much time remains?

The PRESIDING OFFICER. One minute.

Mr. HARKIN. Mr. President, let's make it clear. We are not talking about an abortion bill. What we are talking about is a contraceptive pill a young woman would get, the morning after she may have been the victim of rape or incest. This amendment does not deal with RU–486, it clearly states it is about denying contraceptive services, and it has no exception for young victims of rape or incest.

Right now, under existing law, some localities have chosen to provide minors access to contraceptive pills through community health centers and other programs that are based in the school. The decision to provide school-based contraceptive services is a local decision under current law. A local decision. Not a federal one. But this amendment would change that.

This amendment says if a young woman has unprotected sex, or even if she is the victim of rape or incest, and is panic stricken the next morning, she cannot take a contraceptive pill the next morning, not knowing whether she is pregnant or not, in order to prevent a pregnancy from occurring.

That is what this is about.

And I want to reiterate that the Helms amendment has no exception for the victims of rape or incest.

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

Mr. SPECTER. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to table the Helms amendment (No. 3697). The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

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

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. LEAHY), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

The result was announced—yeas 41, nays 54, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—41

Akaka	Edwards	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Graham	Reid
Bingaman	Harkin	Robb
Bryan	Hollings	Rockefeller
Byrd	Jeffords	Sarbanes
Campbell	Kennedy	Schumer
Chafee, L.	Kerrey	Snowe
Cleland	Kerry	Specter
Collins	Landrieu	Torricelli
Daschle	Lautenberg	Wellstone
Dodd	Levin	Wyden
Durbin	Lieberman	

NAYS—54

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Reed
Breaux	Grassley	Roberts
Brownback	Gregg	Roth
Bunning	Hagel	Santorum
Burns	Helms	Sessions
Cochran	Hutchinson	Shelby
Conrad	Hutchison	Smith (NH)
Coverdell	Inhofe	Smith (OR)
Craig	Johnson	Stevens
Crapo	Kohl	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Dorgan	Lugar	Voinovich
Enzi	Mack	Warner

NOT VOTING—5

Boxer	Inouye	Moynihan
Hatch	Leahy	

The motion was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, on behalf of Senator HELMS, I ask unanimous consent to vitiate the yeas and nays.

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

The question is on agreeing to amendment No. 3697.

The amendment (No. 3697) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3699

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes for explanation prior to a vote on Harkin amendment No. 3699. The Senator from Iowa is recognized for 1 minute.

Mr. HARKIN. Mr. President, this is a simple amendment. It fully funds the Individuals With Disabilities Education Act. As far as I know, this is the first time we in the Senate have had a chance to vote directly on whether to take the action to fully fund IDEA.

I cannot say it any better than our colleague from Vermont, Senator JEFFORDS, said it Wednesday night:

> This body has gone on record in vote after vote that we should fully fund IDEA. If we can't fully fund IDEA now with the budget surpluses and the economy we have, when will we do it? I do not believe anyone can rationally argue that this is not the time to fulfill that promise.

I could not have said it any better. This is the first time I know of the Senate has ever gone on record. This is the vote to fully fund IDEA. We have the surpluses. We have the money. Let's meet our goal.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the education budget now is $4.5 billion over last year. We have increased IDEA by $1.3 billion. Sometimes we talk about big spenders. Adding $8.75 billion is going to put a burden on the biggest spenders in this Chamber to support this kind of an increase. I want to see a lot more funding in a lot more places, including IDEA, but this is just over the top. I say that with great respect for my esteemed colleague.

Mr. President, I raise a point of order under 302(f) of the Budget Act that this amendment would exceed the subcommittee's 302(b) allocation and is not in order.

Mr. HARKIN. Mr. President, I move to waive the applicable sections of that act for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

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

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. LEAHY), and the Senator from New York (Mr. MOYNIHAN), are necessarily absent.

The yeas and nays resulted—yeas 40, nays 55, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—40

Akaka	Bingaman	Cleland
Baucus	Breaux	Collins
Bayh	Bryan	Daschle
Biden	Chafee, L.	Dodd

Dorgan	Kerry	Reid
Durbin	Kohl	Robb
Edwards	Landrieu	Rockefeller
Feinstein	Lautenberg	Sarbanes
Harkin	Levin	Snowe
Hollings	Lieberman	Torricelli
Jeffords	Lincoln	Wellstone
Johnson	Mikulski	Wyden
Kennedy	Murray	
Kerrey	Reed	

NAYS—55

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

NOT VOTING—5

Boxer	Inouye	Moynihan
Hatch	Leahy	

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senate will be in order.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator will be recognized when the well is cleared.

The Senator from Pennsylvania.

AMENDMENTS NOS. 3700 THROUGH 3731, EN BLOC

Mr. SPECTER. Mr. President, I now ask for the adoption of the managers' package which has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. HARKIN, proposes amendments numbered 3700 through 3731, en bloc.

The amendments Nos. 3700 through 3731, en bloc, are as follows:

AMENDMENT NO. 3700

(Purpose: To provide grants to develop and expand substance abuse services programs for homeless individuals)

On page 34, on line 13, before the colon, insert the following: '', $10,000,000 shall be used to provide grants to local non-profit private and public entities to enable such entities to develop and expand activities to provide substance abuse services to homeless individuals.''.

Ms. COLLINS. Mr. President, I rise today in support of the Collins-Reed amendment to the Labor HHS Appropriations bill which will increase the availability of funds to provide substance abuse treatment services for our Nation's homeless men and women.

I would like to extend my thanks to Senator JACK REED who has joined as a cosponsor of this amendment and who has made increased funding for services to benefit the homeless one of his highest priorities. I would also like to extend my thanks to Senators DOMENICI, FEINSTEIN, MIKULSKI, SARBANES, JEFFORDS, KENNEDY, BINGAMAN, WELLSTONE, LINCOLN CHAFEE, DODD, LEAHY, DURBIN, SNOWE, EDWARDS and MOYNIHAN, all of whom cosigned a letter to appropriators which I and Senator REED sent earlier this year calling for an increase in funding for mental health and substance abuse treatment for the homeless.

Like all Americans, homeless men and women need decent shelter, but in many cases, homeless people also need treatment to address the underlying problem which has kept them on the street. An estimated 25 percent to 40 percent of homeless people need programs to help them recover from drug and alcohol abuse illnesses. Despite the prevalence of these illnesses among our nation's homeless, very limited funds are available to serve their specific treatment needs.

For a variety of reasons, addicted homeless people often have difficulty accessing mainstream treatment services. For example, many substance abuse service providers are not equipped to handle the complex social and health issues that homeless persons present, and may reject them or provide ineffective care. In addition, the reality of life on the street may significantly complicate the receipt of effective treatment. For example, homeless men and women may have difficulty in adhering to treatment schedules or may lack transportation to and from outpatient services.

Comprehensive programs which link treatment to other health, housing, social and maintenance services often provide the best opportunity for the homeless to adhere to treatment programs and ultimately achieve stability in their lives. The funding addressed in my amendment will provide grants which will assist communities in providing treatment services tailored to best serve the needs of their own homeless population.

I thank the Chairman of the Committee, who has been tireless in his efforts to increase substance abuse treatment services for all Americans in need, and who has been so receptive to this amendment and the needs of our Nation's homeless men and women.

Thank you, Mr. President. I yield the floor.

AMENDMENT NO. 3701

(Purpose: To provide funds for the Web-Based Education Commission)

On Page 68, line 23 before the colon, insert the following: '', of which $250,000 shall be for the Web-Based Education Commission''.

AMENDMENT NO. 3702

(Purpose: To provide funds for the purchase of automated external defibrillators and the training of individuals in basic cardiac life support)

On page 24, line 1, strike ''and''.

On page 24, line 7, insert before the colon the following: '', and of which $4,000,000 shall be provided to the Rural Health Outreach Office of the Health Resources and Services Administration for the awarding of grants to community partnerships in rural areas for the purchase of automated external defibrillators and the training of individuals in basic cardiac life support''.

Ms. COLLINS. Mr. President, I am pleased that the managers have accepted the amendment that I introduced with my colleague from Wisconsin. I thank the distinguished Chairman and Ranking Member of the Labor-HHS Appropriations Subcommittee for their assistance and support. Our amendment will improve access to automated external defibrillators, or AEDs, in rural areas, where they are sorely needed to increase the chance that individuals in these communities who suffer cardiac arrest will survive. Joining us in cosponsoring this amendment are Senators JEFFORDS, BIDEN, ENZI, MURRAY, ABRAHAM, WELLSTONE, BINGAMAN, ROBB, KERRY and REED.

Heart disease is the leading cause of death both in the State of Maine and the United States. According to the American Heart Association, an estimated 250,000 Americans die each year from cardiac arrest. Many of these deaths could be prevented if automated external defibrillators were more accessible. AEDs are computerized devices that can shock a heart back into normal rhythm and restore life to a cardiac arrest victim. They must, however, be used promptly. For every minute that passes before a victim's normal heart rhythm is restored, his or her chance of survival falls by as much as 10 percent.

According to the American Heart Association, making AEDs standard equipment in police cars, fire trucks, ambulances and other emergency vehicles and getting these devices into more public places could save more than 50,000 lives a year. Cities across America have begun to recognize the value of fast access to AEDs and are making them available to emergency responders. In many small rural communities, however, limited budgets and the fact that so many rely on volunteer organizations for emergency services can make acquisition and appropriate training in the use of these life-saving devices problematic. Our amendment will increase access to AEDs and trained local responders for smaller towns and rural areas in Maine and elsewhere where those first on the scene may not be paramedics or others who would normally have AEDs.

I am pleased to be joined by my colleague from Wisconsin who has led this effort to increase access to AEDs in rural areas.

Mr. FEINGOLD. Thank you. I would like to commend my friend and colleague from Maine for her leadership in passing this amendment that will help improve cardiac arrest survival rates across rural America by making AEDs more accessible.

I recently visited DeForest, Wisconsin, where the area's citizens and businesses recently finished a fund-

raising effort that resulted in the purchase of three new defibrillators. When I visited with the DeForest police department, they provided a real life example of why we must increase the availability of defibrillators: since they were purchased just three months ago, two people have been saved by these devices.

They helped show me that cardiac arrest victims are in a race against time, and unfortunately, for those in many rural areas, Emergency Medical Services have simply too far to go to reach people in need, and time runs out for victims of cardiac arrest. It is simply not possible to have EMS units next to every farm and small town across the nation. This amendment will begin to address this problem.

Just so my colleagues are aware, I would like to ask my friend from Maine to describe how these grants will be made.

Ms. COLLINS. These grants will be awarded on a competitive basis by the Health Resources and Services Administration to community partnerships in rural areas that are composed of local emergency response entities, such as community training facilities, local emergency responders, fire and rescue departments, police, community hospitals, and local non-profit entities and for-profit entities concerned about cardiac arrest survival rates. Our amendment will provide $4 million through the Health Resources and Services Administration for the awarding of grants to community partnerships in rural areas to purchase automated external defibrillators and to train individuals in basic cardiac life support. These rural partnerships will also be required to evaluate the local community emergency response times to assess whether they meet the standards established by national public health organizations such as the American Heart Association and the American Red Cross. They must also submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require. I would like to ask my colleague from Wisconsin if he would like to add any additional comments.

Mr. FEINGOLD. Thank you. I would also like to stress that these grants are intended for community partnerships in rural areas, as determined by the Secretary of Health and Human Services. This amendment has been endorsed by both the American Heart Association and the American Red Cross as a means of expanding access to these lifesaving devices across rural America, and I join my colleague from Maine in thanking the managers of the bill for their cooperation and support.

AMENDMENT NO. 3703

(Purpose: To support medication management for seniors)

On page 43, line 9, before the colon, insert the following: '', of which $5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions''.

AMENDMENT NO. 3704

On page 50, line 20, after the dash insert the following: ''Except as provided by subsection (e)''.

On page 51, line 1 strike ''December 15, 2000'' and insert in lieu thereof: ''March 1, 2001''.

On page 52, line 2, strike ''2000'' and insert in lieu thereof ''2001''.

On page 52, after line 2, insert the following new section

''(e) TERRITORIES.—None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.''

AMENDMENT NO. 3705

(Purpose: To provide for the conduct of a study and report on unreimbursed health care provided to foreign nationals)

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

SEC. . (a) STUDY.—The Secretary of Health and Human Services shall conduct a study to examine—

(1) the experiences of hospitals in the United States in obtaining reimbursement from foreign health insurance companies whose enrollees receive medical treatment in the United States;

(2) the identity of the foreign health insurance companies that do not cooperate with or reimburse (in whole or in part) United States health care providers for medical services rendered in the United States to enrollees who are foreign nationals;

(3) the amount of unreimbursed services that hospitals in the United States provide to foreign nationals described in paragraph (2); and

(4) solutions to the problems identified in the study.

(b) REPORT.—Not later than March 31, 2001, the Secretary of Health and Human Services shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations, a report concerning the results of the study conducted under subsection (a), including the recommendations described in paragraph (4) of such subsection.

Mr. GRAHAM. Mr. President, last year, on October 7, during the consideration of the FY 2000 Labor-HHS-Education Appropriations bill, Senators RON WYDEN, GORDON SMITH and I offered an amendment which was accepted as part of the legislation that passed.

It directed the Department of Labor to send to Congress its suggestions, or a plan, to improve the day-to-day lives of farmworkers.

We are here again. The Labor-HHS Appropriations bill is being debated, and we are still awaiting answers to concerns raised in the last debate.

In fairness, I should mention that the Secretary of Labor has indicated that this report is underway and that we can expect it later this year. But yet another year has slipped by without the Administration designing a plan to improve the lives of those who do so much to provide for us.

The purpose of our amendment and speech last year was to outline the three previous years of frustration in our efforts to secure this plan from the Department of Labor. We sought legislatively what we had not been able to obtain in personal meetings and phone calls. Now, we are here again, on this same bill, asking for the same assistance.

For the past several years I have worked with several of our colleagues to develop a comprehensive strategy to improve the lives of our Nation's farmworkers.

Almost everyone agrees that the status quo is unacceptable. GAO estimates that at least 50 percent of agricultural workers in the United States do not have documented status. This is a conservative estimate since these are workers who have admitted their illegal status, the actual number without work authorization is likely much higher.

I respect the fact that the Department of Labor has concerns about our bipartisan legislation. What we have asked, year after year, is that they improve it, modify it, or offer their own alternate comprehensive plan.

I commend the work that the Department has done up to this point to respond to us, but I urge Secretary Herman to finish work on this proposal and submit it to Congress at the earliest possible opportunity. The legislative calendar is short this year, and we have no time to waste.

Mr. WYDEN. Mr. President, in October, 1999, I came to the Senate floor to speak about an important amendment to the Labor, Health and Human Services Appropriations Bill for Fiscal Year 2000 concerning farm workers. I have worked on this issue for over three years. I worked with my friend, Senator SMITH of Oregon, as well as my colleague Senator GRAHAM of Florida, to have our bipartisan amendment adopted by the managers of the bill, Senator SPECTER and Senator HARKIN.

I come to the floor today as the Senate completes debate on the Labor, Health and Human Services appropriations bill for fiscal year 2001 to again ask the administration to get serious about addressing the very real problems in the current farm worker system.

The amendment that was adopted into last year's Labor HHS appropriations bill required the Department of Labor to report to Congress with plans to improve compensation, working conditions, and other benefits for farm workers in the United States. The adopted amendment became report language in the Labor HHS Conference Report directing the Department of Labor to deliver the administration's farm worker plan to Congress as soon as possible.

It is almost ten months since that directive was adopted by the entire Congress—and almost three years since I was first promised by Secretary of Labor Herman that such a plan was being devised—and still the administration has delivered no plan. As we enter the busiest time of the year for American farms, once again I am

forced to point out the ineptitude of the Administration in dealing with this critical issue.

The General Accounting Office completed a report in 1997 on the farm worker situation in our country. They said there are enough farm workers. But they came to that conclusion only by counting illegal farm workers.

Today's agricultural labor program is a disaster for both farm workers and farmers. Estimates are that well over half of the farm workers in this country are here illegally. They are smuggled into the United States by people called ''coyotes.'' Because they are here illegally, these farm workers have no power—they cannot vote. The illegal, but much needed, farm worker is often subjected to the worst possible living and working conditions imaginable. This situation is nothing short of immoral.

At the same time, the growers, who need a dependable supply of workers to pick our crops, are also in a completely untenable situation. Senator SMITH and I represent Oregon farmers who literally have no where to turn to find legal farm workers. The current situation turns those farmers who want to do the right thing into people who have to make a Hobbesian choice: do they become felons by hiring illegal farm workers or do they go bankrupt.

It bears repeating: Well over half of the farm workers in the United States are illegal immigrants.

Oregon farmers have told me that in meetings, with the Immigration and Naturalization Service and the Department of Justice, the Administration has admitted that they know farmers must become felons by hiring illegal workers. It is deplorable that farmers are greeted by the Administration with winks and nods—not a legal farm worker system.

In 1998, in the second session of the 105th Congress, Senator GRAHAM, Senator SMITH, and I put together a bipartisan proposal to change this wholly unacceptable system. We tried to create a new system for dealing with agricultural labor that would be in the interest of both the farm worker and the farmer. Under our bill, workers who were legal would get a significant increase in their benefits and farmers would be assured a consistent, legal work force.

But after 67 Senators passed our bill, the administration refused to work with us to hammer out badly needed H2A reform legislation.

At that point, Senators GRAHAM, SMITH, and I started alternatively waiting for and asking for the Administration to produce their plan for a new agricultural worker system that would address the legitimate concerns of both farm workers and farmers.

In the spirit of comity and a desire to reach agreement with the executive branch, we have been waiting to see the Administration's plan. Mr. President, to date, after meetings, phone calls and congressional directives, we have been kept waiting for more than three years to see the administration's proposal.

By its inaction, the Administration is perpetuating a system that is a disaster for both the farm-worker and the farmer. It is a system that is totally broken—a system that has condemned the vast majority of farm workers to some of the most terrible and immoral conditions imaginable. It is a system that has made it impossible for farmers who want to do the right thing.

Our bipartisan effort was not a good enough solution for the administration. Well, the administration's inaction is not a good enough solution for me.

All of us—farm workers and growers, Senators GRAHAM, SMITH, and I—continue to wait. It is time for the administration to get off the sidelines. They should do what they promised to do well over two years ago and what we, as Congress, required them to do over 10 months ago.

AMENDMENT NO. 3706

(Purpose: To ensure that those students at risk of dropping out of school receive appropriate attention and to ensure that all students are given the support necessary to graduate from high school)

On Page 59, line 12, before the period insert the following: '': *Provided further*, That of the amount made available under this heading for activities carried out through the Fund for the Improvement of Education under part A of title X, $10,000,000 shall be made available to enable the Secretary of Education to award grants to develop and implement school dropout prevention programs.''.

Mr. BINGAMAN. Mr. President, I want to take a moment to thank Senators SPECTER and HARKIN for agreeing to include my amendment dedicating $10,000,000 from the Fund for the Improvement of Education to support proven dropout prevention programs in the managers' package. As my colleagues know, I filed an amendment on behalf of myself and Senators REID, COLLINS, and DEWINE seeking $20 million for this purpose. While both of these amounts fall short of the $150,000,000 level authorized in an amendment passed by the Health, Education, Labor, and Pensions Committee to the ending ESEA reauthorization bill, this $10,000,000 is an important first step in supporting local efforts to develop, implement, and disseminate effective dropout prevention programs. It is my hope that in future years we will be able to grow the funds for this crucial effort in order to ensure that all schools with high dropout rates have the resources and information that they need to curb the high incidence of students dropping out of school.

Today, the lack of a high school education is a greater barrier than ever to employment, income, and advancement opportunities; though we frequently talk about how strong the economy is in the United States, we simply cannot overlook the fact that there are millions of working Americans who have never finished high school, and they earn less than a third of what their peers with a college degress earn.

High school completion rates remain distressingly low in many locales around the country—over 3,000 young people drop out of our high schools and middle schools each school day. Not surprisingly, the problem is disproportionately great along racial, ethnic and socioeconomic lines; Hispanic youth for instance, are nearly three times more likely to drop out than their white classmates, and African American students are still dropping out at a rate higher than their white peers as well. As The Hispanic Dropout Project found, widespread misunderstandings of the underlying causes of dropouts, combined with a lack of familiarity with effective programs, has prevented increased school completion for some groups.

It is my hope that when ESEA is reauthorized, we will be able to further extend the critical support that is needed to help our at-risk students complete high school with the skills necessary for the workplace or continued education. In the meantime, this commitment to funding is an important step towards ensuring that all students who are at risk of dropping out of school receive the appropriate attention and support they need to further their learning and graduate from high school. I thank my colleagues for working with me on this important effort.

Mr. REID. Mr. President, those who drop out of high school are at a greater risk of being unemployed or holding a position with no career advancement opportunities. These individuals also earn less, are more likely to be poverty stricken, and received public assistance.

To address the dropout problem, the Department of Education administers 11 programs. These programs resulted in a downward trend in the national dropout rate. Nonetheless, we have what we could call the ''dropout divide''—dropout rates in 1998 were higher for Hispanic (9.4%) than blacks (5.2%) and whites (3.9%).

This holds true in Nevada, where Hispanic students dropped out of school at a higher rate than other racial/ethnic groups. In the 1996–97 school year, the Hispanic dropout rate is 15.7 percent while White and Asian/Pacific Islander students had the lowest dropout rates at 8.3% each.

It is unacceptable that we allow students—of any race—to dropout. In our new high-tech economy, education is more important than ever. It is the key to a happy and secure future, and we must work harder to make sure that our children don't lose this valuable chance to get an education. We must convince them to stay in school.

For Nevada, the latest numbers show that 17 percent of our school students will drop out before they get their degrees. Almost one in five students in the 12th grade (19.4%) dropped out of school during the 1996–97 school year,

compared with a dropout rate for 9th grade students of 3.5 percent.

As a member of the HELP Committee, Senator BINGAMAN has been a strong advocate for dropout prevention programs and funding. I am pleased that the Bingaman/Reid amendment—adding $10 million of funding for dropout program grants—was accepted.

Our role is to provide needed resources to carry out innovate programs tailored to the specific circumstances encountered. This money goes to states and local school districts, in grants, to finance new dropout prevention programs.

Dropout prevention programs must remain a priority for educators, parents, and policymakers. All students deserve an opportunity to receive a quality and complete education.

AMENDMENT NO. 3707

(Purpose: To revise the purpose of the National Institute of Child Health and Human Development relating to gynecologic health)

At the appropriate place, insert the following:

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

SEC. . Section 448 of the Public Health Service Act (42 U.S.C. 285g) is amended by inserting ''gynecologic health,'' after ''with respect to''.

AMENDMENT NO. 3708

(Purpose: To increase funding for children's asthma programs administered by the Centers for Disease Control and Prevention)

On page 26, line 25, before ''of which'' insert the following: ''of which $20,000,000 shall be made available to carry out children's asthma programs and $4,000,000 of such $20,000,000 shall be utilized to carry out improved asthma surveillance and tracking systems and the remainder shall be used to carry out diverse community-based childhood asthma programs including both school- and community-based grant programs, except that not to exceed 5 percent of such funds may be used by the Centers for Disease Control and Prevention for administrative costs or reprogramming, and''.

Mr. DURBIN. Mr. President, I rise today today with my colleagues, Senators DEWINE, FITZGERALD, KERRY, BINGAMAN, SCHUMER and ABRAHAM to offer this critical amendment to increase funding for childhood asthma programs at the Centers for Disease Control and Prevention.

For the next 15 minutes imagine breathing through a tiny straw the size of a coffee stirrer, never getting enough air. Now imagine suffering through the process three to six times a day. This is asthma.

''America is in the middle of an asthma epidemic—an epidemic that is getting worse, not better.'' So says the PEW environmental Health Commission in its most recent report on asthma.

The prevalence of asthma continues to rise at astounding rates—every region of the country and across all demographic groups, whether measured by age, race or sex. In America today, no chronic disease is increasing faster than asthma. And asthma is considered the worst chronic health problem plaguing this nation's children. Among those four years old, it has mushroomed by 160 percent over the last 2 decades.

Asthma affects nearly 15 million Americans. That figure includes more than 700,000 Illinoisans, of whom 213,000 are children under the age of 18. Chicago has the dubious distinction of having the second highest rate of childhood asthma in the country. According to a study published by the Annals of Allergy, Asthma & Immunology, of inner-city school children in Chicago, researchers found that the prevalence of diagnosed asthma was 10.8 percent, or twice the 5.8 percent the federal Centers for Disease Control and Prevention estimates in that age group nationally. The study also found that most of the children with diagnosed asthma were receiving medical care, but it may not be consistent with what asthma care guidelines recommend.

If rates continue unchecked, a child born a generation from now will be twice as likely to develop asthma as a child born today. By the end of this decade, if no action is taken to reverse this trend and it continues at its current pace, the PEW Commission calculates that 22 million Americans will suffer from asthma—eight million more than at present. That's one in 14 Americans and one in every five families forced to live with the disease. By 2020, the Commission estimates that the number could increase to 29 million—more than twice the current number.

These figures are staggering. At the current rate of growth, that means that the number of asthma cases in 2020 will exceed the projected population of New York and New Jersey combined. If by chance all asthma suffers lived in one state, it would be the second most populous in the country. Put another way, if all those with asthma stood side by side, they would stretch the distance between LA, California and Washington DC, over four times.

If general rates of asthma are high and getting higher, the rates are even worse for society's most vulnerable. Asthma disproportionately attacks them. A recent New York Times article described a study in the Brooklyn area where it was found that an astounding 38 percent of homeless children suffer from asthma. Some of the factors known to contribute to asthma such as poor living circumstances, exposure to cockroach feces, stress, exposure to dampness and mold are all experienced by homeless children. They are also experienced by children living in poor housing or exposed to urban violence. There are other factors such as exposure to second hand smoke and smog that also exacerbate or trigger asthma attacks.

Not only is asthma itself on the rise but it is becoming more deadly. For minorities, asthma is particularly deadly. The asthma death rate for African-Americans is more than twice as high as it is for other segments of the population. Nationwide, the childhood asthma-related death rate in 1993, was 3 to 4 times higher for African-Americans compared to Caucasian Americans. The hospitalization rate for asthma is almost three times as high among African-American children under the age of 5 compared to their white counterparts. Illinois has the highest asthma related deaths in the country for African-American men. The increased disparity between death rates compared to prevalence rates has been partially explained by decreased access to health care services for minority children.

However, even though asthma rates are particularly high for children in poverty, they are also rising substantially for suburban children. Overall the rates are increasing for all groups. Everyone of us knows a child whether our own, a relatives' or a friends' who suffers from asthma.

In an effort to stem the tide of this epidemic, Senator DEWINE and I along with 23 other Senators submitted a request to the Labor HHS appropriators to ask for $50 million for childhood asthma programs at CDC. One fifth of the money would be available for improved tracking and surveillance efforts for asthma, as suggested by the PEW commission for environmental health. Currently, the bill does mention a specific allocation for asthma.

The amendment, which has been agreed to, provides $20 million for state and community-based organizations to support asthma screening, treatment, education and prevention programs and for a new surveillance and tracking system as called for recently by the PEW Environmental Health Commission in their report ''Attack Asthma.'' Again, one fifth of the amount, in this case $4 million would be available for new surveillance and tracking.

The amendment also states that these community funds may be used by both health and school-based services. Many school districts, including the Chicago Public Schools are involved in screening children for asthma and for seeing to it that they get treatment and management to deal with their asthma. CDC should see to it that these new funds are used to coordinate local efforts and to link both school based and health facility based asthma programs. With additional resources, CDC should diversify the types of programs that they fund, so that evaluations can be done to measure the effectiveness of these different programs. Furthermore, programs need to be tailored to the individual needs of localities with coordination of local services and local efforts to combat childhood asthma.

The amendment also includes a restriction on the amount that CDC may use for administration or reprogramming including the 1 percent Public Health Service evaluation. Both Senator DEWINE and I believe that asthma

should be a high priority for CDC and that CDC should not seek to reprogram this money or use it for other purposes. Last year, CDC chose to disproportionately allocate rescissions to the asthma program. We strongly object to that decision. At a time of an asthma epidemic, we believe that this program should be protected from such cuts. Therefore, this year we have included language that states that only 5 percent of the total amount allocated for childhood asthma programs may be used for administration, evaluations, or other activities.

Let me tell you why we need this money. Despite the best efforts of the health community, childhood asthma is becoming more common, more deadly and more expensive and the effects of asthma on society are widespread.

Most children who have asthma develop it in their first year, but it often goes undiagnosed. Many of you may be surprised to learn that asthma is the single most common reason for school absenteeism. Parents miss work while caring for children with asthma. Beyond those missed days at school and parents missing work, there is the huge emotional stress suffered by asthmatic children. It is a very frightening event for a small child to be unable to breathe. A recent US News article quoted an 8-yr old Virginian farm girl, Madison Benner who described her experience with asthma. She said ''It feels like something was standing on my chest when I have an asthma attack.'' This little girl had drawn a picture of a floppy-eared, big footed elephant crushing a frowning girl into her bed.

In many urban centers, over 60 percent of childhood admissions to the emergency room are for asthma. There are 1.8 million emergency room visits each year for asthma. Yet the emergency room is hardly a place where a child and the child's parents can be educated in managing their asthma.

During a recent visit to Children's Memorial Hospital in Chicago, I met a wonderful little boy whose life is a daily fight against asthma. He told me he can't always participate in gym class or even join his friends on the playground. Fortunately, Nicholas is receiving the medical attention necessary to manage his asthma. Yet for millions of children, this is not the case. Their asthma goes undiagnosed and untreated, making trips to the emergency room as common as trips to the grocery store.

However, we do have treatments that work for most people. Early diagnosis, treatment and management are key to preventing serious illness and death. The National Institutes of Health is home to the National Asthma Education and Prevention board. This is a large group of experts from all across the fields involved in health care and asthma. They have developed guidelines on both treating asthma and educating children and their parents in prevention. It is very important that when we spend money on developing such guidelines that they actually get out of communities so that they can take advantage of this research.

CDC has been working in collaboration with NIH to make sure that health professionals and others get the most up to date information. My amendment could further help this effort by providing grantees with this information.

One interesting new model that appears to work is the ''breathmobile' program in Los Angeles that was started 2 years ago. This program provides a van that is equipped with medical personnel, asthma education materials, and asthma treatment supplies. It goes out to areas that are known to have a high incidence of childhood asthma and screens children in those areas. Children are also enrolled in the Children's Health Program if they are income eligible. We have all heard of how slow enrollment in the children's health program has been and anything that we can do to speed enrollment up, I think it vitally important. This ''Breathmobile'' program has reduced trips to the emergency room by 17 percent in the first year of operation. I hope that we can be as successful in Illinois and other parts of the country.

In Illinois, the Mobile CARE Foundation is setting up a program in Chicago based on the Los Angeles initiative. In addition, the American Association of Chest Physicians has joined with other groups to form the Chicago Asthma Consortium to provide asthma screening and treatment. Efforts like these need our amendment.

In West Virginia, a Medicaid ''disease management'' program which seeks to coordinate children with asthma's care so that they get the very best care has been found to be very cost effective. It has reduced trips to the emergency room by 30 percent.

This Childhood Asthma Amendment would expand these programs to help ensure that no child goes undiagnosed and every asthmatic child gets the treatment he or she needs.

Last year, an additional $10 million was dedicated to start this program for a total of $11.3 million. CDC will be putting out a request for proposals this summer. The $20 million agreed to here today is a good start and I hope that we will be able to do better by increasing it to $50 million in conference. This $50 million level of funding is supported by the American Lung Association, the Asthma and Allergy Foundation, Mothers of Asthmatics, the National Association for Children's Hospitals and Research Institutions, the Academy of Pediatrics, the Asthma and Allergy Foundation of America and others who support children's health.

No child should die from asthma. We need to make sure that people understand the signs of asthma and that all asthmatic children have access to treatment and information on how to lessen their exposure to things that trigger asthma attacks. Funding for this program is critical.

I am delighted that my colleague Senator SPECTER has agreed to accept this amendment to nearly double the funding level for this important public health effort. I hope that he will work with me in conference to increase this level of funding to as close as possible to the $50 million originally requested by myself and 23 of my Senate colleagues. Again I thank my colleagues SPECTER and HARKIN for recognizing the importance of this issue to the nation's children.

AMENDMENT NO. 3709

(Purpose: To increase funding for the Centers for Disease Control and Prevention to provide for the adequate funding of State and local immunization infrastructure and operations activities)

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

SEC. _____. In addition to amounts otherwise appropriated under this title for the Centers for Disease Control and Prevention, $37,500,000, to be utilized to provide grants to States and political subdivisions of States under section 317 of the Public Health Service Act to enable such States and political subdivisions to carry out immunization infrastructure and operations activities: *Provided,* That of the total amount made available in this Act for infrastructure funding for the Centers for Disease Control and Prevention, not less than 10 percent shall be used for immunization projects in areas with low or declining immunization rates or areas that are particularly susceptible to disease outbreaks, and not more than 14 percent shall be used to carry out the incentive bonus program: *Provided,* That amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be further reduced on a pro rata basis by $37,500,000.

Mr. DURBIN. Mr. President, I rise today to offer an amendment regarding childhood immunization. Remarkable advances in the science of vaccine development and widespread immunization efforts have led to a substantial reduction in the incidence of infectious disease. Today, as you know, national vaccination coverage is at record high levels. Smallpox has been eradicated; polio has been eliminated from the Western Hemisphere; and cases of measles have been reduced to record lows.

Still, the job is not done and it is important that we remain vigilant. Every day, nearly 11,000 infants are born and each baby will need up to 22 doses of vaccine by age two. New vaccines continue to enter the market. And although a significant proportion of the general population may be fully immunized at a given time, coverage rates in the United States are uneven and life-threatening disease outbreaks do occur. In fact, recent data from the CDC indicate that coverage rates may be leveling off and that in many areas of the country, including Chicago, Houston, Delaware, North Dakota, South Dakota and New Mexico, they are actually declining.

At the same time, funding to states and localities for immunization delivery activities has also been dramatically reduced over the past five years.

States are now struggling to maintain immunization rates and have implemented severe cuts to immunization activities. Many have already reduced clinic hours, canceled contracts with providers, suspended registry development and implementation, limited outreach efforts and discontinued performance monitoring.

Last week, the Institute of Medicine issued a landmark report on the state of our Nation's immunization infrastructure. This report confirmed that the situation requires immediate attention. The IOM in its report stated:

> The combination of new challenges and reduced resources has led to instability in the public health infrastructure that supports the U.S. immunization system. Many states have reduced the scale of their immunization programs and currently lack adequate strength in areas such as data collection among at-risk populations, strategic planning, program coordination, and assessment of immunization status in communities that are served by multiple health care providers. If unmet immunization needs are not identified and addressed, states will have difficulty in achieving the national goal of 90 percent coverage by year 2010 for completion of childhood vaccination series for young children. Furthermore, state and national coverage rates, which reached record levels for vaccines in widespread use (79 percent in 1998), can be expected to decline and preventable disease outbreaks may occur as a result, particularly among persons who are vulnerable to vaccine-preventable disease because of their undervaccination status.

The amendment I am offering today with my colleagues Senator KAY BAILEY HUTCHISON, Senator JACK REED, Senator PATTY MURRAY, and Senator JOHN KERRY addresses the recommendations of the IOM and responds to the issues raised by state and local immunization program administrators who are struggling to reach underserved children. The provision does three things: First, it provides a $37.5 million increase in immunization grant funding to state and local programs for immunization infrastructure activities in FY 2001, bringing the total funding for infrastructure up from $139 million to $176.5 million. Second, it limits to 14 percent the amount of the total that can be spent for incentive grants to states. Third, it targets 10 percent of the total infrastructure funding to areas with low or declining immunization rates and areas susceptible to outbreaks.

While $37.5 million is a good start, additional funding is needed. The IOM recommends a $75 million increase in the annual federal share of funding to states for immunization programs. This number was derived from 3 calculations: (1) annual state expenditure levels during the mid-1990's; (2) the level of spending necessary to provide additional resources to states with high levels of need without reducing current award levels for each state; and (3) additional infrastructure requirements associated with adjusting to anticipated changes and increased complexity in the immunization schedule. Dozens of organizations support this level of funding, including Research. America, the American Academy of Pediatrics, the March of Dimes, the Children's Defense Fund, the Association of State and Territorial Health Officials, Every Child by Two, and many others.

I intend to work with my colleagues on the Committee and in the Senate to increase this funding level by an additional $37.5 million in FY 2002 in order to reach the level recommended by the IOM.

The 317 immunization grant program to states and localities for ''infrastructure and operations'' is the sole source of Federal support for many critical activities, including: immunization registries; outreach efforts to educate parents about the value and importance of vaccines as well as the risks and possible side effects; training and education of providers to ensure timely vaccinations and keep them updated about the routine schedule including changes resulting from the addition of new vaccines; outbreak control and monitoring and investigating disease occurrence; identifying under immunized children and development of strategies to overcome barriers to vaccination; linking immunization activities with other public health services such as the WIC program; and evaluations of immunization strategies to determine what works.

While overall funding to the Centers for Disease Control's immunization program has actually seen slight increases, the grant program to States and localities has dramatically declined over the past 5 years. Actual appropriations levels have gone from $271 million in FY1995 to $208 million in FY 96 to $139 million in FY2000. But the story is even worse. The measles outbreak of the late 1980's and early 1990's prompted Congress to give states hefty funding increases. Unfortunately, the states were not immediately prepared for the influx of funds. Money was ''carried over'' from one year to the next as they worked through barriers such as computer acquisitions, legislative approvals and hiring freezes. This carryover has compensated for the dramatic reductions in funding that followed. Now there is no more carryover money to pick up the slack. So while actual appropriations have declined by about $68 million since 1996, states are experiencing reductions of 50 percent or more in the same time period. As a result, states are struggling to maintain immunization rates and have implemented severe cuts to immunization activities. Many have already reduced clinic hours, canceled contracts with providers, suspended registry development and implementation, limited outreach efforts and discontinued performance monitoring. An increase of $75 million will barely get states back up to the funding levels they were experiencing in 1998.

The amendment also limits the amount that can be allocated for incentive grants to 14 percent of the total infrastructure funding. Historically, Senate report language has included a formula to reward areas that achieved high coverage levels and set aside $33 million out of the state infrastructure money to pay for this incentive. When this was first put in place in 1994, this amount represented approximately 14 percent of all grant funding available. Now, because the total funding has decreased, the percentage is equal to about 25 percent of the total. Because the overall base funding has decreased (from $271 million in FY95 to $139 million), the incentive allocation is eating up a greater share of total infrastructure funding pulling money away from project areas that have lower immunization rates. In addition, because immunization rates have gone up, nearly every state gets some incentive money—but it is no longer considered an ''incentive'' by the states. Rather, states use the money to offset recent decreases in 317 federal grant funding. As a result, this ''incentive'' that has historically been included in the Senate Appropriations report is no longer achieving its intended effect. Quite simply, the advantage of awarding funds as incentives, rewarding successful immunization programs, has decreased as total funding has decreased. Those grantees with the lowest coverage levels and most in need are receiving less funding than those who have already achieved high coverage levels.

To address this issue, this amendment would limit the percentage of total funding that can be used for incentive money to the percentage it represented when it was first implemented. No state will experience a reduction in funds.

I also want to note that the House Labor-HHS-Education Appropriations report included language, which I strongly support, asking the CDC to report back to Congress regarding the utility of this incentive program and recommending a mechanism to phase it out if it is not found to be achieving its intended purpose. It is my hope that the Senate will agree to this language in conference.

The amendment also targets 10 percent of total infrastructure funding to areas of the country with low or declining immunization rates. Even with significant gains in national immunization rates, subpopulations of underimmunized children still exist. Rates in many of the Nation's urban areas, including Chicago and Houston, are unacceptably low and getting lower. These pockets of need create pools of susceptible children and increase the risk of dangerous disease outbreaks. The IOM report highlights the fact that disparities in levels of immunization coverage still exist. National surveys reveal a gap of 9 percentage points between children above and below the federal poverty level. Targeting just 10 percent of the total amount, as IOM recommends, will help CDC respond to unexpected outbreaks, gaps in immunization coverage, or other exceptional circumstances within the states.

I urge my colleagues to support this amendment. It will provide additional funds to every single state. No state loses money. In this day and age, it is simply not acceptable that more than one million children have not been adequately vaccinated. Vaccines are one of the most cost-effective tools we have in preventing disease. For every dollar spent on vaccines, society saves up to $24 in medical and societal costs. Controlling vaccine-preventable disease has been one of the most significant public health accomplishments of the 20th Century. But current success does not guarantee future success. And there is still much work to be done.

Mr. REED. Mr. President, I am pleased to join my colleague Senator DURBIN on an amendment to restore funding to one of our most accomplished public health initiatives, our national immunization program.

The purpose of the amendment is quite simple—it seeks to strengthen and enhance the operations and infrastructure grants administered by the Centers for Disease Control and Prevention's Section 317 immunization program.

These monies fund a variety of essential programs and services within the immunization program for children, including outreach efforts to educate parents about the immunization schedule, training and education of providers about new vaccines and outbreak control when cases of infectious diseases arise. The CDC's operation and infrastructure grants also support vital initiatives to identify under-immunized children, provide resources necessary to implement and maintain state-based immunization registries and allow the state immunization program to forge linkages with other public health services, such as WIC and Head Start, since these places are often points of entry for low-income children who may lack all or some of the recommended vaccinations.

Originally, Senator DURBIN and I had intended to offer an amendment that would add a total of $75 million for the CDC Section 317 operations and infrastructure grant program. We have modified our amendment so that it now calls for a $37.5 million increase in funding for these grants this year with the understanding that Chairman SPECTER has agreed to work to provide additional $37.5 million in FY 2002 for this grant program. I would thank the Chairman and the Ranking Member for agreeing to accept this important amendment.

Numerous public health and provider groups including the National Association of County and City Health Officials (NACCHO), the Association of State and Territorial Health Officials (ASTHO), the American Academy of Pediatrics and every Child by Two, just to name a few support our amendment.

Since the advent of the polio vaccine in 1955, the United States has invested in a national immunization campaign to rid the population of devastating diseases such as smallpox, polio, diphtheria and measles.

The CDC Section 317 program has been an integral part of our national immunization initiative. The Section 317 program can be broken down into two main categories—(1) vaccine purchase and (2) infrastructure to facilitate the delivery and monitoring of vaccines. The Section 317 program is the only source of critical federal funding to support the infrastructure necessary to administer immunizations to children in communities throughout the country.

A little over a week ago, the Institute of Medicine released their report on immunization finance policies and practices. This report was conducted at the request of the Senate Appropriations Committee and more specifically by our colleague Senator Dale Bumpers, a long-time champion of the immunization program.

This landmark report offers us many important insights into the complex federal-state-local partnership that makes up our national immunization initiative. The report found that although average immunization coverage levels are at record highs, several problems continue to plague the program, while even greater challenges lie ahead. The issues threaten the great success we have achieved in essentially eradicating deadly and debilitating diseases that were prevalent in this country a relatively short time ago. Many of these same diseases continue to strike children in developing nations throughout the world.

According to the IOM report, one of the greatest challenges currently facing our immunization program is the persistent disparities in coverage that exist among and within states, as well as within major cities.

The 1998 National Immunization Survey (NIS) found a gap of between 7 and 8.6 percent between the immunization rates for non-Hispanic white children and those of Hispanic and African-American children for one of the most important series of immunizations. Disparities in immunization levels also fall along the poverty line. For the same series, National Immunization Survey found a 9 percentage point difference between the immunization rates for children living below the poverty level compared to those at or above the poverty line.

These disparities in coverage are often found in concentrations of un-immunized and under-immunized children who typically reside in urban areas as well as in certain rural areas. These areas are also referred to as 'pockets of need'.

Our investments in the immunization program thus far have yielded great benefits in terms of improving the health of children, as well as producing significant health care cost savings. For example, for every dollar spent on the Measles, Mumps, Rubella (MMR) vaccine, $10.30 in savings were captured in terms of direct medical costs and $13.50 in indirect societal costs, such as lost work time, disability and death.

While great progress has been made in boosting immunization coverage nationally, we are at a point where it will require additional resources in order to reach those remaining children who have not been immunized. In other words, reaching these remaining un-immunized and under-immunized children in 'pockets of need' areas, will require more effort and more resources.

Another significant problem outlined in the IOM report is the, ''The repetitive ebb and flow cycles in the distribution of public resources for immunization programs . . .'' Federal funding for the immunization program has been volatile, particularly over the past decade.

To give my colleagues some background, the federal government began to pay greater attention to the need to support and strengthen our immunization program after a measles outbreak struck several parts of the U.S. in 1989–1990. Following the epidemic, the CDC launched a national initiative designed to strengthen state immunization programs and provide resources for a broad array of direct services and outreach. The goal of this effort was to strengthen and enhance our capacity to monitor immunization levels and improve our ability to respond to disease outbreaks.

During that period, federal funding for infrastructure grants increased seven-fold from a total of $37 million in 1990 to $271 million in 1995. However, states were not immediately prepared for the dramatic funding increases and the expansion of immunization delivery systems at the state level took time. As a result, funds were ''carried over'' from one year to the next as states prepared to make the capital investments necessary to strengthen critical areas of their immunization program, such as vaccine delivery, outreach into underserved areas and improvements in monitoring through the development of state-based immunization registries.

However, as the threat of another disease outbreak faded, carry-over fund balances grew and pressure to reduce federal discretionary spending intensified here in Congress. What happened as a result was an almost 50 percent decline in funding, and for the past two years, the CDC infrastructure grant program has been level funded at $139 million.

For the past few years, states have been using remaining carry-over funds to cover expenses that could not be met by their new award. The estimated FY 2001 figures indicate that most states have exhausted their carry-over funding and must rely solely on their new grant award to finance their operations.

This cut has seriously eroded states' ability to develop and implement program innovations and threatened their capacity to administer vaccines. These reductions over the past several years

have also forced states to scale back on other important activities such as community outreach, parental and physician education and the development and operation of registries.

This reduction in the operations and infrastructure grant awards has had a significant impact on my home state of Rhode Island. My state has gone from a high of approximately $3 million to a low of $500,000 in just four years. These kinds of swings in funding make it virtually impossible for a state to administer its program, let alone plan ahead for the future.

And these dramatic declines have not only happened in my state—they have happened in virtually every state in the country.

Fortunately, my state has been extremely successful thus far in expanding immunization coverage rates in the nation (89%). However, continued vigilance is necessary to maintain coverage rates in states like Rhode Island, while additional effort and resources are required to bring up immunization rates in areas like Chicago (69%) and Houston (56%).

Mr. President, we must remain diligent and focused on our immunization goals and invest in the tools necessary to protect our children. This additional funding will help to achieve that end by restoring immunization grant awards to a level that will enable states to carry out critical program activities. As I mentioned before, our amendment would add $37.5 million over two years to the CDC operations and infrastructure grant program.

The IOM report makes clear that our immunization system is at a critical juncture, and I am pleased that Chairman SPECTER and Ranking Member HARKIN have agreed to accept our amendment because we should not wait for a serious outbreak to a vaccine-preventable disease to address the shortfall in the CDC immunization program.

AMENDMENT NO. 3710

(Purpose: To require that contracts for the care of research NIH chimpanzees be awarded to contractors that comply with the Animal Welfare Act)

At the appropriate place, add the following: ''None of the funds appropriated under this Act shall be expended by the National Institutes of Health on a contract for the care of the 288 chimpanzees acquired by the National Institutes of Health from the Coulston Foundation, unless the contractor is accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International or has a Public Health Services assurance, and has not been charged multiple times with egregious violations of the Animal Welfare Act.''.

Mr. SMITH of New Hampshire. Mr. President, I thank the Senate managers for including my amendment in the managers' package. This amendment relates to the Request for Proposals (RFP) recently issued by the National Institutes of Health for the care of 288 chimpanzees recently acquired by NIH from The Coulston Foundation. The Coulston Foundation, an animal research facility in Alamogordo, New Mexico, has a very troubling record of animal care, and has been investigated and charged by the U.S. Department of Agriculture numerous times for egregious violations of the Animal Welfare Act relating to the deaths of several chimpanzees and other primates. At least 14 chimpanzees and 4 monkeys have died at the lab in the past seven years, due to negligence and a lack of appropriate veterinary care.

Last August, following the deaths of several chimpanzees at Coulston, USDA ordered the lab to halve its chimpanzee colony, leading to the transfer of 288 chimps to NIH. However, the transfer was in title only. For the time being, the chimpanzees will remain in Coulston's physical possession, in direct defiance of the spirit and intent of the USDA order.

I am eager, therefore, for NIH to proceed with its RFP to secure the services of an entity that can provide high quality care for the 288 chimpanzees. The easiest way to ensure this is to insist that bidders for the contract be accredited by the Association for the Assessment and Accreditation for Laboratory Animal Care, International, or AAALAC. AAALAC is a private, internationally recognized accrediting body. Its stamp of approval guarantees that a laboratory provides high standards of care to its animals. AAALAC accreditation is often required in Public Health Service (PHS) contracts and, in fact, is strongly based on strict compliance with NIH's own Guide for the Care and Use of Laboratory Animals. In 1994, NIH made a site visit to The Coulston Foundation, and recommended that Coulston achieve AAALAC accreditation within 3–5 years. That was six years ago, and Coulston is still not accredited by this international organization, despite applying.

Although I would expect that any entity selected by NIH to receive this contract would be highly qualified and therefore AAALAC-accredited, bidders for the contract that are not accredited may demonstrate their qualifications by holding a valid PHS Animal Welfare Assurance. In theory, an Animal Welfare Assurance shows that a laboratory is compliant with the federal Animal Welfare Act and PHS policy on animal care. Sometimes these assurances are restricted. For instance, Coulston's assurance is restricted because of its poor animal care record. However, it is still considered valid.

I think it is important to stress that the recipient of NIH's contract should have a good record of animal welfare and should be compliant with federal animal welfare laws. As such, I have included language in my amendment which states that NIH cannot give its contract to a facility that has been charged multiple times with egregious violations of the Animal Welfare Act, as is the case with The Coulston Foundation. These animals can live to 50, even 60 years of age, and are very similar to humans in many ways. We should make certain that they receive the level of care appropriate to them. The amendment which I am offering will address these concerns. I would like to thank the managers for working out this language and for supporting my amendment.

AMENDMENT NO. 3711

(Purpose: To Provide an additional $800,000 for technology and media services and to provide an offset)

At the end of title III, insert the following:

SEC. ___. TECHNOLOGY AND MEDIA SERVICES.

Notwithstanding any other provision of this Act—

(1) the total amount appropriated under this title under the heading ''OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES'' under the heading ''SPECIAL EDUCATION'' to carry out the Individuals with Disabilities Education Act shall be $7,353,141,000, of which $35,323,000 shall be available for technology and media services; and

(2) the total amount appropriated under this title under the heading ''DEPARTMENTAL MANAGEMENT'' under the heading ''PROGRAM ADMINISTRATION'' shall be further reduced by $800,000.

Mr. DODD. Mr. President, I thank the chairman, Senator SPECTOR, and the Ranking member, Senator HARKIN, for accepting an amendment I have proposed to S. 2553, the Labor, Health and Human Services, and Education, and related agencies appropriation bill for fiscal year 2001. This amendment provides an additional $800,000 for the Technology and Media Services section of the Department of Education appropriation. The funds allocated to Technology and Media Services are crucially important because they are used to make competitive awards to support the development, demonstration, and use of technology and education media activities of value to children with disabilities.

In that regard, the National Theatre of the Deaf (NTD) has a long and worthy history as an organization dedicated to helping deaf and hard-of-hearing children and adults achieve their fullest potential. In 1967, the NTD was created with the assistance of the Department of Education to support educational and artistic programs for the deaf community. With strong and enduring support from the Congress, the NTD has developed an innovative training program and seasonal workshop series to foster the growth of a unique form of theater. Presented in both American Sign Language and spoken English, NTD performance have expanded the boundaries of theatrical expression and made an original contribution to professional theater while simultaneously building bridges between the hearing and non-hearing communities. The NTD has repeatedly won recognition for it's work over the last 33 years, including a Tony Award. The NTD has touched over 3.5 million people through local, national and international live performances, and millions more through televised specials. As a result of the massive success of the NTD , more than 40 similar Theaters of the Deaf have sprung up worldwide.

Unfortunately, in fiscal year 2000, the NTD was not funded by the Department of Education, an unintended consequence of modifications made by Congress to the Individuals with Disabilities Education Act in 1997. I have no reason to believe that the Congress is any less supportive of the National Theater of the Deaf today than it has been for the last 33 years. It is the intent of the amendment that I offer today to provide the Department of Education with sufficient means to fund an additional competitive grant from the Special Education Technology and Media Services program.

Once again, I am grateful to the Chairman and Ranking Member for accepting this amendment and, I think I speak for our colleagues in thanking them for their continued support for the deaf and hard-of-hearing community in our country.

Mr. SPECTER. I would like to commend the Senator from Connecticut for bringing this amendment to our attention. While the amount requested in this amendment is a modest sum, it will make a major difference to an important community in this country. I look forward to working with the Senator from Connecticut as this matter moves to conference.

Mr. HARKIN. I would like to associate myself with the remarks of my Chairman and that of the Senator from Connecticut, particularly with regard to the important role that the National Theater of the Deaf has played over the last 33 years. I pledge to do what I can to ensure the conference agreement carriers out the intent of the Senator from Connecticut.

AMENDMENT NO. 3712

In amendment No. 3633, as modified, strike ''$78,200,000'' and insert ''$35,000,000'' in lieu thereof.

AMENDMENT NO. 3713

(Purpose: To provide grants to states for high schools to improve academic performance and provide technical skills training and grants to elementary and secondary schools to provide physical education and improve physical fitness)

On page 69, line 2, after the colon insert the following proviso: ''*Provided further*, That of the funds appropriated $5,000,000 shall be made available for a high school state grant program to improve academic performance and provide technical skills training, $5,000,000 shall be made available to provide grants to enable elementary and secondary schools to provide physical education and improve physical fitness''.

AMENDMENT NO. 3714

(Purpose: To provide grants to states and local government for early childhood learning for young children)

On page 41, at the beginning of line 12 insert the following: ''$5,000,000 shall be made available to provide grants for early childhood learning for young children, of which''.

AMENDMENT NO. 3715

(Purpose: To increase funding for the Office of Civil Rights of the Department of Health and Human Services)

On page 45, line 4, insert before the period the following: '': *Provided*, That an additional $2,500,000 shall be made available for the Office for Civil Rights: *Provided further*, That amounts made available under this title for the administrative and related expenses of the Department of Health and Human Services shall be reduced by $2,500,000''.

● Mr. LEAHY. Mr. President, I want to thank my colleagues Senator SPECTER and Senator HARKIN for including an amendment I have offered to increase funding for the Office of Civil Rights (OCR) at the Department of Health and Human Services (HHS) as part of the managers' package. My amendment would provide an increase of $2.5 million for the Office of Civil Rights to protect the civil rights of Americans. I want to take a moment to explain why I believe this funding increase is so important.

The Office of Civil Rights at HHS has the responsibility to enforce civil rights laws in the health and human service setting throughout the United States. What does this mean? Essentially, the Office of Civil Rights oversees anyone who receives funding from HHS—hospitals, managed care organizations, nursing homes, and social service agencies among others—to ensure they are complying with civil rights statutes. Although it enforces a wide array of civil right laws, the bulk of OCR's efforts center around enforcement of Title VI of the Civil Rights Act of 1964, which addresses discrimination in federally funded programs, and the Americans with Disabilities Act.

The civil rights challenges that confront OCR continue to grow. A few of the issues the office is focusing on include racial and ethnic disparities in health; ensuring that individuals with disabilities avoid unnecessary institutionalization and can live in their communities; and fighting discrimination among minorities and individuals with disabilities in managed care.

It seems to me that this office already has a pretty big workload. Well, it is about to become much larger. In addition to the important efforts the OCR currently works on, this office will soon be responsible for implementing and enforcing the proposed medical privacy regulations. The administration has been required to establish safeguards to protect personal medical information of Americans because this Congress missed its own self-imposed deadline. If we're not going to do our job in Congress, we should at least support the Office that will have to do it for us.

In 1996, Congress passed the Health Insurance Portability and Accountability Act (HIPAA). This legislation set a self-imposed deadline for Congress to pass comprehensive medical privacy legislation by August 1999. If Congress was unable to meet the deadline, the Secretary of the Department of Health and Human Services was required by law to establish medical privacy protection through regulation. Secretary Shalala issued her draft regulations last fall and there was a public comment period that extended until this past February. Currently, HHS is working to finalize the draft regulations which should be issued later this year.

I have been on this Senate floor countless times to talk about the need to establish privacy protections for personal medical information. It angers me that this Congress could not even move privacy protections through the committee process, let alone, to actually have a debate on this critical issue before the full Senate. We couldn't do the job on our own and we have instead shifted the responsibility to the administration. This Congress has the responsibility to protect the privacy of Americans—and that includes the protection of their medical records. The place for these protections is in legislation—not regulation. But that's not the issue right now. The issue before us is the need to adequately fund the office that will have the sole responsibility for enforcing these essential privacy protections.

The FY 2000 Budget for the Office of Civil Rights is $22 million. This figure has remained unchanged since 1980. I find this hard to believe. The Office has seen its enforcement responsibilities increase dramatically with the passage of the Americans with Disabilities Act and other major legislation. Add the impending implementation of the medical records privacy regulation and it becomes clear that this budget must come in line with the current times and allow the Office to do what they must—protect the civil rights of Americans.

This additional funding provided in this amendment will help the Office of Civil Rights do the job we have asked them to do. I do not think this increase is nearly enough. However, I recognize that we have limited funds for a wide range of important programs. I am hopeful that this will be the first of many steps to increase the resources for this office. Again, I want to thank my colleagues for their support of this amendment and for their support of the important work of this office.●

Mr. HARKIN. Mr. President, I rise to support the increase in funding for the Office of Civil Rights at the Department of Health and Human Services. The Office of Civil Rights (OCR) enforces civil rights laws in health and human services settings. OCR oversees hospitals, managed care organizations, nursing homes, social service agencies—literally any state, local, or private agency that receives HHS funding, to ensure compliance with civil rights laws.

In the next year, OCR will be responsible for enforcing several initiatives of real importance to me and to health care consumers across America. First, OCR will be responsible for enforcing the landmark health information privacy regulations. These regulations will provide consumers with protections against the inappropriate disclosure of their health information. Indeed, Americans are concerned about

who gets to see and use their personal medical information. Privacy is the first defense against discrimination on the basis of health status—an issue I know a lot about through my work on the Americans with Disabilities Act.

One of OCR'S other top priorities in the coming year is to enforce the Americans with Disabilities Act (ADA) by working with states and advocates to develop programs to enable people with disabilities to live in community-based settings, as required by the Supreme Court's Olmstead decision. Just last year, in L.C. v. Olmstead, the Supreme Court held that state Medicaid programs must comply with the ADA's integration mandate. The Court held that under the ADA, people with disabilities have the right to be included in our communities, not segregated behind the closed doors of institutions and excluded from the mainstream. This decision means that unjustified isolation now properly is regarded as discrimination when it is based on disability.

The Department of Health and Human Services has already taken steps to ensure that states comply with the Supreme Court's decision. The Department sent a letter to state Medicaid directors and others emphasizing the Court's suggestion that states develop a comprehensive plan for placing qualified individuals with disabilities in less restrictive settings and ensure that their waiting lists for community-based services move at a reasonable pace that is not controlled by the state's endeavors to keep its institutions fully populated.

This so-called ''Olmstead Letter'' is a great first step. However, a law is only as effective as its enforcement, and that is why OCR is so important to the civil rights of people with disabilities. This new funding will help OCR to ensure that as we approach the ADA's 10th anniversary next month, the ADA will continue to have a very real effect on the daily lives of people with disabilities and their ability to live and participate in their communities.

AMENDMENT NO. 3716

(Purpose: To increase the amount of funds made available for activities that improve the quality of infant and toddler child care)

On page 40, line 5, strike ''$60,000,000'' and insert ''$100,000,000''.

AMENDMENT NO. 3717

(Purpose: To increase funding to provide assistance for poison prevention and to stabilize the funding of regional poison control centers)

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

SEC. ____. (a) In addition to amounts made available under the heading ''Health Resources and Services Administration-Health Resources and Services'' for poison prevention and poison control center activities, there shall be available an additional $20,000,000 to provide assistance for such activities and to stabilize the funding of regional poison control centers as provided for pursuant to the Poison Control Center Enhancement and Awareness Act (Public Law 106-174).

(b) Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be reduced further on a pro rata basis by $20,000,000.

Mr. DEWINE. Mr. President, I rise today to thank the Chairman of the Labor, Health, and Education Appropriations Subcommittee, Senator SPECTER, and the Ranking Member, Senator HARKIN, for their support of our Nation's poison control centers. Because of their help, the appropriations bill we pass will contain a sound investment in these centers.

Mr. President, many of us—as parents—have experienced the terrifying situation when a child accidently swallows something potentially toxic. Fortunately, poison control centers are in place to field poison-related phone calls and to offer parents and everyone valuable medical advice when these types of emergencies arise. Additionally, the professionals at the centers provide education and training to the public to help prevent poisonings. Without a doubt, poison control centers offer vital health services.

Earlier this year, Congress passed legislation that I sponsored along with 34 of my colleagues—and the President signed it into law—which authorizes $27.6 million to be used to fund a national toll-free number to ensure access to poison control center services; a nationwide media campaign to educate the public and health care providers about poison prevention; and a grant program to: (1) Help certified regional poison control centers achieve financial stability; (2) Prevent poisonings; (3) Provide treatment recommendations for poisonings; and (4) Improve poison control center services.

Last year, I worked with Senator SPECTER, to include $3 million in FY2000 for the Health Resources and Services Administration (HRSA) and Centers for Disease Control and Prevention (CDC) to initiate planning for the national toll-free number and to begin assisting the local poison control centers' other efforts. Because of that initial investment, the national toll-free number will be fully operational by September 30th of this year. The new toll-free number will provide easy access to poison control services no matter where you are in the country by directing calls to the local poison control center closest to you.

To ensure that the local centers can maintain current operations and handle increases in calls resulting from the new toll-free number, the centers must be funded at an adequate level. The investment this bill makes will help poison control centers continue providing essential services to parents and to the public now and in the future.

Investing in poison control centers just makes good economic sense. Do you realize that for every dollar spent on poison control center services, we can save $7 dollars in medical costs? The average cost of a poisoning exposure call to a poison control center is $31.28. The average cost of using other health care system options, like emergency room services, for example, is $932 dollars.

Each year, the Central Ohio Poison Center handles more than 66,000 calls, and the Cincinnati Poison Center handles about 78,000 calls. According to Dr. Marcel Casavant—medical director for the Central Ohio Poison Center and emergency department physician at Columbus Children's Hospital—the Central Ohio Poison Center refers callers to their doctors or to an emergency department about 10 percent of the time. The other 90 percent of cases don't usually require a trip to the emergency room and can be treated and monitored right at home with treatment advice provided by poison control professionals. Poison control centers save lives and save money by offering immediate treatment advice. They help keep patients from calling 911 or going to emergency rooms unnecessarily, while offering immediate treatment advice to callers.

Throughout the United States each year, more than two million poisonings are reported to poison control centers. More than 90 percent of these poisonings happen in the home, and over 50 percent of poisoning victims are children younger than six years of age. My own personal experience with poison control centers occurred two years ago, when our granddaughter, Isabelle, who was two years old at the time, fell into a bucket of bubble solution as we were wrapping up our annual Ice Cream Social at our home in Cedarville, Ohio. We feared that Isabelle may have swallowed some of the solution, since she was covered with it from head to toe.

My sister-in-law, who is a nurse, immediately called the poison control center to determine whether Isabelle had swallowed a poisonous substance. We were very lucky. The professional at the local poison control center told us immediately what to do and explained that we needed to rinse Isabelle off and have her drink several glasses of water to flush the solution through her system. But for the quick response of that local poison control center, we would probably have ended up taking Isabelle to the emergency room needlessly.

My friend and colleague from Michigan, Senator ABRAHAM, also had his own personal experience with a poison center. In 1999, he and his wife were at home and spotted their toddler son, Spencer, with an open bottle of allergy medicine. They immediately called the poison center. The Abrahams, too, were very lucky. As it turned out, little Spencer hadn't swallowed more than an ounce, so the poison center staff recommended that his parents just monitor him at home through the night.

While poisonings very often affect children, adults also face situations necessitating information and help from

poison control centers. The centers provide services for adults who have been exposed to potentially poisonous or toxic substances. Take the example of what occurred in Marysville, Ohio. Thirty workers in a manufacturing plant in Marysville were victims of gas exposure. Twenty of these workers went to Union Memorial Hospital. The hospital contacted the poison center, after which these patients were given oxygen and later discharged that same day. Ten others went to a different hospital which did not call a poison center. These patients were not released until the next day, even though their symptoms did not differ from the other 20 workers.

Because the local poison centers cover a lot of area and handle a large number of exposure cases, they can help identify trends and patterns of exposure which might not otherwise be recognized by individual health care providers. The organized network of poison centers facilitates instant communication of public health concerns, as well as effective methods of treatment. For example, in 1993, an Oregon Poison Center staff member noticed a cluster of symptomatic callers who had all used an aerosol leather protector. Subsequent investigation revealed similar cases in the preceding four days. Immediate notification of other centers confirmed cases in other states. Contact with the manufacturer and subsequent product removal occurred within only four hours.

Here's another example: On January 28, 1998, there was a nationwide recall of a popular snack cake due to possible asbestos contamination. This recall resulted in about 1000 calls to one poison center in Ohio, with similar numbers of calls to poison centers in Illinois, Indiana, and Missouri. The poison centers were able to reassure callers about the low toxicity of small oral ingestion of asbestos and referred callers to the company's customer service number.

Despite their obvious value, poison control centers have been seriously under-funded. The centers have been financed through unstable arrangements from a variety of public and private sources. Over the last two decades, there has been a steady decline in the number of poison control centers in the United States. In 1978, there were more than 600 poison control centers nationwide. Today, there are fewer than 75—of which, only 53 are certified. Since 1991, six centers in Ohio have closed, leaving only three in current operation.

This trend has jeopardized the ability of the remaining poison control centers nationwide to provide immediate, around-the-clock service to all Americans. As a result, more emergency rooms are likely to be visited by anxious parents who fear their children were accidentally poisoned. This is a trend that is increasing the total cost of treating poisonings and increasing the risk of accidental injury or death.

Mr. President, I am pleased that my colleagues have agreed to take things to the next level and are providing a substantial investment in these centers. This investment will help bring stability to our nation's poison control centers and bring peace of mind to parents.

I thank the Chair and yield the floor.

AMENDMENT NO. 3718

(Purpose: To increase funds for the National Program of Cancer Registries)

On page 27, line 24, before the period insert the following: ": *Provided further,* That in addition to amounts made available under this heading for the National Program of Cancer Registries, an additional $15,000,000 shall be made available for such Program and special emphasis in carrying out such Program shall be given to States with the highest number of the leading causes of cancer mortality: *Provided further,* That amounts made available under this Act for the administrative and related expenses of the Centers for Disease Control and Prevention shall be reduced by $15,000,000".

AMENDMENT NO. 3719

(Purpose: To protect the rights of residents of certain health care facilities)

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

SEC. ____. Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"PART G—REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES

"SEC. 581. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES.

"(a) IN GENERAL.—A public or private general hospital, nursing facility, intermediate care facility, residential treatment center, or other health care facility, that receives support in any form from any program supported in whole or in part with funds appropriated to any Federal department or agency shall protect and promote the rights of each resident of the facility, including the right to be free from physical or mental abuse, corporal punishment, and any restraints or involuntary seclusions imposed for purposes of discipline or convenience.

"(b) REQUIREMENTS.—Restraints and seclusion may only be imposed on a resident of a facility described in subsection (a) if—

"(1) the restraints or seclusion are imposed to ensure the physical safety of the resident, a staff member, or others; and

"(2) the restraints or seclusion are imposed only upon the written order of a physician, or other licensed independent practitioner permitted by the State and the facility to order such restraint or seclusion, that specifies the duration and circumstances under which the restraints are to be used (except in emergency circumstances specified by the Secretary until such an order could reasonably be obtained).

"(c) DEFINITIONS.—In this section:

"(1) RESTRAINTS.—The term 'restraints' means—

"(A) any physical restraint that is a mechanical or personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely, not including devices, such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets, or any other methods that involves the physical holding of a resident for the purpose of conducting routine physical examinations or tests or to protect the resident from falling out of bed or to permit the resident to participate in activities without the risk of physical harm to the resident; and

"(B) a drug or medication that is used as a restraint to control behavior or restrict the resident's freedom of movement that is not a standard treatment for the resident's medical or psychiatric condition.

"(2) SECLUSION.—The term 'seclusion' means any separation of the resident from the general population of the facility that prevents the resident from returning to such population if he or she desires.

"SEC. 582. REPORTING REQUIREMENT.

"(a) IN GENERAL.— Each facility to which the Protection and Advocacy for Mentally Ill Individuals Act of 1986 applies shall notify the appropriate agency, as determined by the Secretary, of each death that occurs at each such facility while a patient is restrained or in seclusion, of each death occurring within 24 hours after the patient has been removed from restraints and seclusion, or where it is reasonable to assume that a patient's death is a result of such seclusion or restraint. A notification under this section shall include the name of the resident and shall be provided not later than 7 days after the date of the death of the individual involved.

"(b) FACILITY.—In this section, the term 'facility' has the meaning given the term 'facilities' in section 102(3) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10802(3)).".

"SEC. 583. REGULATIONS AND ENFORCEMENT.

"(a) TRAINING.—Not later than 1 year after the date of enactment of this part, the Secretary, after consultation with appropriate State and local protection and advocacy organizations, physicians, facilities, and other health care professionals and patients, shall promulgate regulations that require facilities to which the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.) applies, to meet the requirements of subsection (b).

"(b) REQUIREMENTS.—The regulations promulgated under subsection (a) shall require that—

"(1) facilities described in subsection (a) ensure that there is an adequate number of qualified professional and supportive staff to evaluate patients, formulate written individualized, comprehensive treatment plans, and to provide active treatment measures;

"(2) appropriate training be provided for the staff of such facilities in the use of restraints and any alternatives to the use of restraints; and

"(3) such facilities provide complete and accurate notification of deaths, as required under section 582(a).

"(c) ENFORCEMENT.—A facility to which this part applies that fails to comply with any requirement of this part, including a failure to provide appropriate training, shall not be eligible for participation in any program supported in whole or in part by funds appropriated to any Federal department or agency.".

AMENDMENT NO. 3720

(Purpose: To provide funding for certain activities of the Occupational Safety and Health Administration with respect to all employers)

On page 13, line 20, strike "*Provided*" and insert the following: ": *Provided,* That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 2000, at least $22,200,000 shall be used to carry out education, training, and consultation activities as described in subsections (c) and (d) of section 21 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670(c) and (d)): *Provided further*,".

AMENDMENT NO. 3721

(Purpose: To express the sense of the Senate that the Health Care Financing Administration should consider current systems that provide better, more cost-effective emergency transport before promulgating any final rule regarding the delivery of emergency medical services)

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) Several States have developed and implemented a unique 2-tiered emergency medical services system that effectively provides services to the residents of those States.

(2) These 2-tiered systems include volunteer and for-profit emergency medical technicians who provide basic life support and hospital-based paramedics who provide advanced life support.

(3) These 2-tiered systems have provided universal access for residents of those States 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) One State's 2-tiered 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) These 2-tiered State health systems save the lives of thousands of residents of those States each year, while saving the medicare program, in some instances, as much as $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 have developed in these States.

(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 2-tiered emergency medical services delivery systems 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.

AMENDMENT NO. 3722

(Purpose: To provide additional funds for the Perkin's loan cancellation program, with an offset)

On page 71, after line 25, add the following:

SEC. ____. (a) In addition to any amounts appropriated under this title for the Perkin's loan cancellation program under section 465 of the Higher Education Act of 1965 (20 U.S.C. 1087ee), an additional $30,000,000 is appropriated to carry out such program.

(b) Notwithstanding any other provision of this Act, amounts made available under titles I and II, and this title, for salaries and expenses at the Departments of Labor, Health and Human Services, and Education, respectively, shall be further reduced on a pro rata basis by $15,000,000.

AMENDMENT NO. 3723

(Purpose: To provide for a study evaluating the extent to which funds made available under part A of title I of the Elementary and Secondary Education Act of 1965 are targeted to schools and local educational agencies with the greatest concentrations of school-age children from low-income families)

On page 71, after line 25, insert the following:

SEC. 305. The Comptroller General of the United States, shall evaluate the extent to which funds made available under part A of title I of the Elementary and Secondary Education Act of 1965 are allocated to schools and local educational agencies with the greatest concentrations of school-age children from low-income families, the extent to which allocations of such funds adjust to shifts in concentrations of pupils from low-income families in different regions, States, and substate areas, the extent to which the allocatiion of such funds encourage the targeting of state funds to areas with higher concentrations of children from low-income families, the implications of current distribution methods for such funds, and formula and other policy recommendations to improve the targeting of such funds to more effectively serve low-income children in both rural and urban areas, and for preparing interim and final reports based on the results of the study, to be submitted to Congress not later than February 1, 2001, and April 1, 2001.

On page 70, line 7, strike ''$396,672,000'' and insert ''$396,671,000''.

AMENDMENT NO. 3724

(Purpose: To provide assistance to Tribal Colleges or Universities for construction and renovation projects under section 316 of the Higher Education Act of 1965, with an offset)

At the end of title III, insert the following:

SEC. .

The amount made available under this title under the heading ''OFFICE OF POSTSECONDARY EDUCATION'' under the heading ''HIGHER EDUCATION'' to carry out section 316 of the Higher Education Act of 1965 is increased by $5,000,000, which increase shall be used for construction and renovation projects under such section; and the amount made available under this title under the heading ''OFFICE OF POSTSECONDARY EDUCATION'' under the heading ''HIGHER EDUCATION'' to carry out part B of title VII of the Higher Education Act of 1965 is decreased by $5,000,000.

Mr. BINGAMAN. Mr. President, on behalf of the cosponsors of this amendment I thank Senators SPECTER and HARKIN for dedicating $5,000,000 from the Fund for the improvement of Postsecondary Education for desperately-needed construction and renovation projects at the 32 Tribal Colleges and Universities that comprise the American Indian Higher Education Consortium.

These institutions serve students from over 250 federally recognized Tribes in some of the most impoverished parts of the country. Anyone who has ever visited one has seen the overcrowding and the poor condition of the facilities; crumbling foundations, leaky roofs, exposed wiring, and many other safety hazards were in fact recently estimated to require $120 million in repairs.

The $5,000,000 supplemental to the Title III Strengthening Tribal Colleges and Universities funding recommended by the committee will provide some relief to the inadequate and unsafe conditions at many of the Tribal Colleges and Universities and hopefully will help the institutions leverage additional private funds. However, we know the needs are extremely great, and hope that the Congress will sustain and expand this commitment of federal resources to aid these schools which play such a key role in the education of our Native American populations.

AMENDMENT NO. 3725

(Purpose: To express the sense of the Senate regarding the impacts of the Balanced Budget Act of 1997)

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

SEC. ____. SENSE OF THE SENATE REGARDING IMPACTS OF THE BALANCED BUDGET ACT OF 1997.

(a) FINDINGS.—The Senate makes the following findings:

(1) Since its passage in 1997, the Balanced Budget Act of 1997 has drastically cut payments under the medicare program under title XVIII of the Social Security Act in the areas of hospital, home health, and skilled nursing care, among others. While Congress intended to cut approximately $100,000,000,000 from the medicare program over 5 years, recent estimates put the actual cut at over $200,000,000,000.

(2) A recent study on home health care found that nearly 70 percent of hospital discharge planners surveyed reported a greater difficulty obtaining home health services for medicare beneficiaries as a result of the Balanced Budget Act of 1997.

(3) According to the Medicare Payment Advisory Commission, rural hospitals were disproportionately affected by the Balanced Budget Act of 1997, dropping the inpatient margins of such hospitals over 4 percentage points in 1998.

(b) SENSE OF SENATE.—It is the sense of the Senate that Congress and the President should act expeditiously to alleviate the adverse impacts of the Balanced Budget Act of 1997 on beneficiaries under the medicare program under title XVIII of the Social Security Act and health care providers participating in such program.

AMENDMENT NO. 3726

(Purpose: To state the sense of the Senate regarding funds for programs for early detection and treatment regarding childhood lead poisoning at sites providing Early Head Start programs)

At the end of title V, add the following:

SEC. ____. It is the sense of the Senate that each entity carrying out an Early Head Start program under the Head Start Act should—

(1) determine whether a child eligible to participate in the Early Head Start program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program; and

(2) in the case of an child who has not received such a blood lead screening test, ensure that each enrolled child receives such a test either by referral or by performing the test (under contract or otherwise).

AMENDMENT NO. 3727

(Purpose: To allocate appropriated funds for programs for early detection and treatment regarding childhood lead poisoning at sites providing Early Head Start programs)

On page 27, line 24, strike the period and insert the following: ": *Provided further*, That the funds made available under this heading for section 317A of the Public Health Service Act may be made available for programs operated in accordance with a strategy (developed and implemented by the Director for the Centers for Disease Control and Prevention) to identify and target resources for childhood lead poisoning prevention to high-risk populations, including ensuring that any individual or entity that receives a grant under that section to carry out activities relating to childhood lead poisoning prevention may use a portion of the grant funds awarded for the purpose of funding screening assessments and referrals at sites of operation of the Early Head Start programs under the Head Start Act.".

AMENDMENT NO. 3728

(Purpose: To provide for a study into sexual abuse in schools)

At the appropriate place add the following:

(a) Whereas sexual abuse in schools between a student and a member of the school staff or a student and another student is a cause for concern in America;

(b) Whereas relatively few studies have been conducted on sexual abuse in schools and the extent of this problem is unknown;

(c) Whereas according to the Child Abuse and Neglect Reporting Act, a school administrator is required to report any allegation of sexual abuse to the appropriate authorities;

(d) Whereas an individual who is falsely accused of sexual misconduct with a student deserves appropriate legal and professional protections;

(e) Whereas it is estimated that many causes of sexual abuse in schools are not reported;

(f) Whereas many of the accused staff quietly resign at their present school district and are then rehired at a new district which has no knowledge of their alleged abuse;

(g) Therefore, it is the Sense of the Senate that the Secretary of Education should initiate a study and make recommendations to Congress and state and local governments on the issue of sexual abuse in schools.".

AMENDMENT NO. 3729

(Purpose: To provide increased funding for school construction under the Impact Act program, with an offset)

On page 58, line 3, strike "25,000,000" and insert "35,000,000".

Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be further reduced on a pro rata basis by $10,000,000.

AMENDMENT NO. 3730

(Purpose: To increase funding for adoption incentives)

On page 41, lines 11 and 12, strike "$7,881,586,000, of which $41,791,000" and insert "$7,895,723,000, of which $55,928,000".

Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be further reduced on a pro-rata basis by $14,137,000.

AMENDMENT NO. 3731

On page 69 on line 24 insert the following: "*Provided further*, That of the amount made available under this heading for activities carried out through the Fund of the Improvement of Education under part A of title X, $50,000,000 shall be made available to enable the Secretary of Education to award grants to develop, implement and strengthen programs to teach American history (not social studies) as a separate subject within school curricula".

LOSS OF AMERICA'S CIVIC MEMORY

Mr. LIEBERMAN. Mr. President, I come today to the floor of this Chamber, which is so rich with history, which has been the setting of some of the most determinative moments for our democracy, to talk about the state of our civic memory.

Thomas Jefferson once famously said, "If a nation expects to be ignorant and free, it expects what never was and never will be." I am saddened to say that this Nation, the guardian of the Jeffersonian ethic, seems well on the way today to testing his proposition.

Or so the findings of a recent survey of America's college graduates would suggest. That survey reveals that our next generation of leaders and citizens is leaving college with a stunning lack of knowledge of their heritage and the democratic values that have long sustained our country.

The University of Connecticut's Roper Center found that 81 percent of seniors from America's elite institutions of higher education received a grade of D or F on history questions drawn from a basic high school examination. Many seniors could not identify Valley Forge, words from the Gettysburg Address, or even the basic principles of the U.S. Constitution. By comparison, 99 percent of them knew who Beavis and Butthead were and 98 percent knew who the rapper Snoop Doggy Dogg was.

The Roper survey also shows that most major colleges no longer require their students to study history, which helps to explain why historical illiteracy is growing in this country. Students can now graduate from 100 percent of the top colleges and universities without taking a single course in American history. And students at 78 percent of those institutions are not required to take any form of history at all.

The American Council of Trustees and Alumni, a nonprofit group dedicated to the pursuit of academic freedom, has compiled and analyzed these findings in a provocative report entitled "Losing America's Memory: Historical Illiteracy in the 21st Century." I would encourage my colleagues to examine this report, a copy of which has been sent to every Member's office. I ask unanimous consent to have the report printed in the RECORD.

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

(See exhibit 1.)

Mr. LIEBERMAN. I do so because I believe all of us—elected officials, educators, parents, the whole of our citizenry—should be alarmed by findings, by the Nation's growing ignorance of our past and what it implies for America's future. When we lose the memory of our past, when we lose our understanding of the remarkable individuals, events, and values that have shaped this Nation, we are losing much of what it means to be an American. We are losing touch with the civic glue that binds our diverse Nation into a single people with a common purpose. And, I fear, we are losing sight of the lessons our history teaches us and the fundamental responsibilities we share as citizens in a free democracy.

Earlier this week I had the privilege of joining with my colleague from Washington, Senator GORTON, Congressman TOM PETRI of Wisconsin, the leaders of the ACTA, and assemblage of distinguished historians at a press conference to underscore the import of this report. With the Fourth of July in the offing, we wanted to seize the opportunity of this moment of patriotism to in a sense play Paul Revere, and to begin ringing the alarm bells about the growing ignorance of the contributions that Revere and many other great men and women made to this Nation.

Among the scholars who attended were: Gordon Wood, Professor of History at Brown University; John Patrick Diggins, Distinguished Professor of History, The Graduate Center, City University of New York; James Rees, Director of George Washington's Mount Vernon; Jeffrey Wallin, president, American Academy for Liberal Education; and Paul Reber, Executive Director of Decatur House, National Trust for Historic Preservation. With us, in spirit if not in body, were David McCullough, the prize-winning author of the illuminative biography of Harry Truman, and the great Oscar Handlin, Professor Emeritus at Harvard.

Each of these historians, as well as several others, issued statements expressing their concerns about the consequences of losing America's memory. I ask unanimous consent to have a collection of these statements printed in the RECORD.

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

(See exhibit 2.)

Mr. LIEBERMAN. I will read a few excerpts, because I think they uniquely speak to the ramifications of the problem.

Gordon Wood explained: "We Americans have a special need to understand our history, for our history is what makes us a nation and gives us our sense of nationality. A people like us, made up of every conceivable race, ethnicity, and religion in the world, can never be a nation in the usual sense of the term. . . . Up until recently almost every American, even those who were new immigrants possessed some sense of America's past, however rudimentary and unsophisticated. Without

some such sense of history, the citizens of the United States can scarcely long exist as a united people.''

Theodore Rabb, Professor of History at Princeton, and Chairman of the National Council for History Education, quoting historian Kenneth T. Jackson, added: ''Our binding heritage is a democratic vision of liberty, equality, and justice. If Americans are to preserve that heritage and bring it to daily practice, it is imperative that all citizens understand how it was shaped in the past . . .' Indeed, the office of citizen cannot be properly filled in today's democratic society without an understanding of American history.''

Stephen H. Balch, President of the National Association of Scholars, concluded: ''More than most nations, America is defined by shared memories. Great deeds, stirring moments, inspiring heroes, hard-won victories, occasional defeats, and, most significantly, lofty ideals—declared, attacked, and ultimately vindicated—map our collective identity. ACTA's study, 'Losing America's Memory,' thus strongly suggests that were also in danger of losing America itself. Its findings should be a wake-up call for our educators who have been clearly shirking their responsibilities.''

And David McCullough issued this succinct condemnation: ''The place given to history in our schools is a disgrace, and the dreadful truth is very few of those responsible for curriculum seem to care, even at the highest level of education.''

These wise men have more than convinced me that this is a national problem deserving national attention. In that spirit, Senator GORTON and I today are introducing a resolution that we hope will help call public attention to America's growing historical illiteracy and ideally begin to mobilize a national response. This bipartisan resolution, which is cosponsored by Senators BYRD, GORDON SMITH, and CLELAND, reaffirms the value we place on our truly exceptional history and makes an appeal to begin work immediately on rebuilding our historical literacy.

Our call goes out primarily to America's colleges and universities to recommit themselves to the teaching of history, particularly America's national history. Specifically, it urges college trustees, administrators, and State higher education officials around the country to review their curricula and reinstate requirements in U.S. history. It also encourages students to select colleges with history requirements and to take college courses in history whether required or not.

We also cannot ignore the role of our public schools in contributing to this historical ignorance, so we must ask educators at all levels to redouble their efforts to bolster our children's knowledge of U.S. history and help us restore the vitality of our civic memory. This point was reinforced at our press conference by Mount Vernon Director James Rees, who noted with despair that George Washington's presence in elementary school curricula has been gradually disappearing. As an example, he related that the textbook being used today at the elementary school he attended contained 10 times fewer references to the father of our country than the textbook he used in his youth.

Mr. President, I hope our colleagues will join us in supporting and adopting this resolution and making an unequivocal statement. As we prepare to celebrate the Fourth, I can think of no finer birthday present to the Nation, no better way to honor the anniversary of America's independence, than for us first to remember what moved that determined band of patriots to lay down all for liberty, what has sustained our democracy for these many years, and for us to act so that our children and those who follow them will never forget.

EXHIBIT 1

LOSING AMERICA'S MEMORY—HISTORICAL ILLITERACY IN THE 21ST CENTURY

[Issued for Presidents' Day, February 21, 2000—Prepared by Anne D. Neal and Jerry L. Martin, American Council of Trustees and Alumni]

''*If a nation expects to be ignorant and free, it expects what never was and never will be.*''—Thomas Jefferson.

''*[W]e cannot escape history.*''—Abraham Lincoln.

INTRODUCTION

Who are we? What is our past? Upon what principles was American democracy founded? And how can we sustain them?—These are the questions that have inspired, motivated, perplexed since the beginning. And they are questions which still elude our full understanding. Yet they underscore a belief that a shared understanding, a shared knowledge, of the nation's past unifies a people and ensures a common civic identity. Indeed, the American system is uniquely premised on the need for an educated citizenry. Embarking on the experiment of a democratic republic, the founders viewed public education as central to the ability to sustain a participatory form of government. ''If a nation expects to be ignorant and free,'' Thomas Jefferson said, ''it expects what never was and never will be.''

But the importance of a shared memory appears to have lost its foothold in American higher education. As we move forward into the 21st century, our future leaders are graduating with an alarming ignorance of their heritage—a kind of collective amnesia—and a profound historical illiteracy which bodes ill for the future of the republic.

There is a widespread, though unspoken assumption that, if not all citizens, at least college graduates—certainly those from the elite institutions—have a basic understanding of this country's history and founding principles. Colleges themselves rarely, if ever, test this assumption. The American Council of trustees and Alumni (ACTA) decided to do so. What do seniors at the nation's best colleges and universities know and not know about the history of this nation? What grade would they receive if tested?

ACTA commissioned the Roper organization—The Center for Survey Research and Analysis at the University of Connecticut—to survey college seniors from the nation's best colleges and universities as identified by the U.S. News & World Reports annual college rankings. The top 55 liberal arts colleges and research universities were sampled during December 1999. (For a list, see Appendix A.)

The questions were drawn from a basic high school curriculum. In fact, many of the questions had been used in the National Assessment of Educational Progress (NAEP) tests given to high school students.

How did seniors from our nation's top colleges and universities do? They flunked. Four out of five—18%—of seniors from the top 55 colleges and universities in the United States received a grade of D or F. they could not identify Valley Forge, or words from the Gettysburg Address, or even the basic principles of the U.S. Constitution.

Scarcely more than half knew general information about American democracy and the Constitution.

Only 34% of the students surveyed could identify George Washington as an American general at the battle of Yorktown, the culminating battle of the American Revolution.

Only 42% were able to identify George Washington as ''First in war, first in peace, first in the hearts of his countrymen.''

Less than one quarter (23%) correctly identified James Madison as the ''father of the Constitution.''

Even fewer—22% of the college seniors—were able to identify ''Government of the people, by the people, and for the people'' as a line from the Gettysburg Address—arguably one of the three most important documents underlying the American system of government.

Over one-third were unable to identify the U.S. Constitution as establishing the division of power in American government.

Little more than half (52%) knew George Washington's Farewell Address warned against permanent alliances with foreign governments.

What do they know? They get an A+ in contemporary popular culture.

99% know who the cartoon characters Beavis and Butthead are.

98% can identify the rap singer Snoop Doggy Dogg.

Beavis and Butthead instead of Washington and Madison; Snoop Doggy Dogg instead of Lincoln? How did it come to this? Students and parents are paying $30,000 a year at elite institutions. For what?

What Happened to American History?

To find out what our nation's top colleges and universities demand of students in the area of American history, ACTCA conducted a study of graduation requirements at the same 55 colleges and universities surveyed by the Roper organization. These are the institutions, such as Harvard and Amherst, which set the standard for all the rest. (See Appendix B.)

For each school, the most recent undergraduate course catalog or Internet course listing was used to define the graduation requirements and to determine what history or American history courses are required of students before they graduate.

The results are worse than could have been imagined. Students can now graduate from 100% of the top colleges without taking a single course in American history.

Novelist Milan Kundera once said that, if you want to destroy a country, destroy its memory. If a hostile power wanted to erase America's civic heritage, it could hardly do a better job—short of actually prohibiting the study of American history—than America's elite colleges and universities are doing.

More shocking still is that, at 78% of the institutions, students are not required to take any history at all. The best that can be said is that they are permitted to take history to satisfy other requirements in such

areas as social sciences or diversity. Only the fact that many students find history useful and interesting saves the subject from extinction.

It is not surprising that college seniors know little American history. Few students leave high school with an adequate knowledge of American history and even the best colleges and universities do nothing to close the ''knowledge gap.''

The abandonment of history requirements is part of a national trend. In 1988, the National Endowment for the Humanities publicized the first troubling indication that America was losing its historic memory. NEH issued a report concluding that more than 80% of colleges and universities permitted students to graduate without taking a course in American history while 37% of those institutions allowed students to avoid history altogether. Now, thirteen years later, as outlined in Appendix B, standards have fallen further—100% do not require American history, and 78% require no history at all.

The problem is not limited to history. In 1996, the National Association of Scholars issued another seminal report, The Dissolution of General Education, which concluded that, during the last thirty years, the commitment of American higher education to providing students with a broad and rigorous exposure to major areas of knowledge has virtually vanished. In its stead, students pick and choose from a smorgasbord of courses that are too often on narrow, specialized topics. As the widely-acclaimed study by the Association of American Colleges, Integrity in the College Curriculum, concluded in 1990: ''As far as what passes as college curriculum, almost anything goes.'' Is it any wonder that students end up with an understanding that is equally narrow, fragmented, and less than the sum of its parts?

In the country that gave birth to Jefferson's conception of an educated citizenry, colleges and universities are failing to provide the kind of general education that is needed for graduates to be involved and educated citizens.

Why Does American History Matter?

Other than our schools, no institutions bear greater responsibility for the transmission of our heritage than colleges and universities. They educate almost two-thirds of our citizens, including all our school teachers, lawyers, doctors, journalists, and public leaders. They set the admissions and curricular requirements that signal to students, teachers, parents, and the public what every educated citizen in a democracy must know.

What happens in higher education thus relates directly to what happens in K–12. If colleges and universities no longer require their students to have a basic knowledge of American civilization and its heritage, we are all in danger of losing a common frame of reference that has sustained our free society for so many generations.

As ACTA chairman and former NEH chairman Lynne V. Cheney observes, in Telling the Truth, ''[I]t is from our colleges and universities that messages radiate—or fail to radiate to schools, to legal institutions, to popular culture, and to politics about the importance of reason, of trying to overcome bias, of seeking truth through evidence and verification.'' If our graduates leave school without knowing the foundations of American society, children they teach will certainly do no better.

It is sometimes said that historical facts do not matter. But citizens who fail to know basic landmarks of history and civics are unlikely to be able to reflect on their meaning. They fail to recognize the unique nature of our society, and the importance of preserving it. They lack an understanding of the very principles which bind our society—namely, liberty, justice, government by the consent of the governed, and equality under the law.

As Lynne Cheney has also written, ''Knowledge of the ideas that have molded us and the ideals that have mattered to us functions as a kind of civic glue. Our history and literature give us symbols to share; they help us all, no matter how diverse our backgrounds, feel part of a common undertaking.''

What Should Be Done?

Immediate steps must be taken to ensure that the memory of our great nation and its remarkable past is passed on to the next generation. The following actions should be taken by colleges and universities, students and their families, alumni and donors, state and federal governments, and accrediting agencies.

By colleges and universities

Colleges and universities should make improving students' historical memory and civic competence an urgent priority. Boards of trustees and state agencies with higher education oversight should take steps to ensure that institutions of higher education have adequate requirements in American history and history in general. Faculty, whose personal interest often draws them to specialized topics, should teach what students need to know, not what faculty desire to teach.

The most direct solution is a strong core curriculum, with a broad-based, rigorous course on American history required of all students. The course should include the breadth of American history from the colonial period to the present, and the long struggle to defend liberty against all foes domestic and foreign and to expand democratic rights at home and abroad. Students should be required to study the great civic documents of the nation, beginning with the Declaration of Independence, Constitution, the Bill of Rights, the Federalist papers, and the Gettysburg Address. Such a course gives students a sense not only of where the country has been, but what it has meant.

By students and their families

The first challenge for students and their families is selecting a college. Some colleges have strong core curricula that ensure that every graduate will be well-grounded in the full range of basic subjects, including American history. Most have loose cafeteria-style requirements that let the students choose for themselves. Some no longer even offer traditional, broad-based courses in American history.

Before selecting a college, students and their families should look at catalogues, examining requirements and course descriptions and ideally accessing course syllabi on the web. College is a big investment, and it deserves as much research as any other major purchase. A hot reputation and fancy student center are no guarantee of a solid academic program.

Students who are already attending a college can make up for colleges' deficiencies by selecting for themselves those courses, including American history, that will prepare them for successful participation in our civic as well as economic life. Parents should help their students understand that trendy courses that may strike their short-term fancy will not well serve their long-term needs.

By alumni and donors

Alumni should take an active interest in whether their alma maters have strong requirements in American history and other basic subjects. They should not allow their degrees to be devalued by a decline in college standards.

Those who give can be especially helpful, since it is possible to target gifts to outstanding programs and projects in American history and civic understanding. The American Council of Trustees and Alumni has established a program, the Fund for Academic Renewal (FAR), that assists donors, free of charge, in identifying outstanding programs and directing their gifts to support them.

By State and Federal Governments and accrediting agencies

Consumers in the higher education market cannot make wise choices if they have no information. Most college guides and rankings give little or no information about the curriculum. The U.S. Department of Education—and state government for institutions in their states—should publish and disseminate a national report on collegiate standards, listing which colleges require such basic subjects as English, history, mathematics, and science, and which do not.

Federal and state governments should target some of the funds from existing grant programs to support outstanding core curricula that include American history and civics.

Accrediting agencies, which have so often neglected issues of academic quality, should include adequate requirements in American history and other basic disciplines among their criteria for assessing colleges and universities.

CONCLUSION

On this Presidents' Day 2000, it is indeed ironic that many—if not most—of our college seniors are unfamiliar with and ignorant about the individuals we celebrate. The time is ripe for citizens, parents, families and policymakers to demand a renewed exploration and examination of our history. It is not too late to restore America's memory.

EXHIBIT 2

STATEMENTS SUBMITTED IN CONJUNCTION WITH THE CONGRESSIONAL PRESS CONFERENCE ON HISTORICAL ILLITERACY IN AMERICA—JUNE 27, 2000

David McCullough, Historian, West Tisbury, MA:

The place given to history in our schools is a disgrace, and the dreadful truth is very few of those responsible for curriculum seem to care, even at the highest level of education. Anyone who doubts that we are raising a generation of young Americans who are historically illiterate needs only to read Losing America's Memory.

Oscar Handlin, University Professor Emeritus, Harvard University:

History is a discipline in decline. There is a profound ignorance not only among students but among their teachers as well. This study [Losing America's Memory] confirms that.

Lynne V. Cheney, Former Chairman, National Endowment for the Humanities:

It is regrettable that over the last decade we have seen a continuing decline in emphasis at the college level on core subjects such as literature, math, and history. ACTA's recent report, ''Losing America's Memory: Historical Illiteracy in the 21st Century,'' confirms this disturbing trend and underscores a profound historical illiteracy amongst our future leaders that bodes ill for the future of the Republic. Sen. Lieberman and Cong. Petri deserve our praise for raising this important issue. We must begin to restore America's memory. If our best and brightest are graduating without a grounding in the past, we are on our way to losing the understanding that makes us all feel part of a

common undertaking, no matter how diverse our backgrounds.

John Patrick Diggins, Distinguished Professor of History, The Graduate Center, City University of New York:

''We cannot escape history,'' Abraham Lincoln warned Americans more than a century ago. According to the American Council of Trustees and Alumni report, students have escaped it and remain happily ignorant of their own ignorance in an educational establishment that has surrendered its mission to popular culture.

Gordon Wood, Professor of History, Brown University:

We Americans have a special need to understand our history, for our history is what makes us a nation and gives us our sense of nationality. A people like us, made up of every conceivable race, ethnicity, and religion in the world, can never be a nation in the usual sense of the term. Instead, we have only our history to hold us together; McDonald's can never do it. It's our history, our heritage, that makes us a single people. Up until recently almost every American, even those who were new immigrants, possessed some sense of America's past, however rudimentary and unsophisticated. Without some such sense of history, the citizens of the United States can scarcely long exist as a united people.

Theodore K. Rabb, Chairman, National Council for History Education, Professor of History, Princeton University:

Since the focus of the National Council for History Education (NCHE) is on the improvement of history education in the schools—indeed, our one postsecondary initiative has been to recommend that teachers of history be certified only if they have a college major or at least a minor in the subject—we are not in a position to comment on the findings of Losing America's Memory except to add our voice to those who are concerned about the growing problem of historical illiteracy in the United States. We have long argued that history should occupy a large and vital place in the education of both the private person and the public citizen. As historian Kenneth T. Jackson has written, ''Unlike many people of other nations, Americans are not bound together by a common religion or a common ethnicity. Instead, our binding heritage is a democratic vision of liberty, equality and justice. If Americans are to preserve that vision and bring it to daily practice, it is imperative that all citizens understand how it was shaped in the past, what events and forces either helped or obstructed it, and how it has evolved down to the circumstances and political discourse of our time.'' Indeed, the office of citizen cannot be filled property in today's democratic society without an understanding of American history, nor can students afford to go into the twenty-first century ignorant of the history and culture of other nations.

Eugene W. Hickock, Secretary of Education, Commonwealth of Pennsylvania:

ACTA's recent study, Losing America's Memory, is deeply troubling for many reasons. The findings suggest to me that the teaching of our nation's history has taken a back seat in our elementary and secondary schools, likely replaced by failed fads or trends that have permeated our education system for decades. But, we cannot expect K–12 education to take full responsibility; our higher education institutions often have replaced the study of our American culture with watered down programs and curricula that focus more on our popular culture. It is time for Americans from all walks of life—parents, educators, students, and local, state, and national leaders—to step up their efforts to reverse this disturbing trend and to make sure our nation's history is a key part of the curriculum at every level. I applaud Senator LIEBERMAN and Congressman PETRI for their strong commitment and bold efforts to reverse this trend and to make sure every student knows and appreciates our Republic's rich history.

James C. Rees, Executive Director, Historic Mount Vernon:

With each year that passes, it becomes more and more evident that the people entering our gates at Mount Vernon know next to nothing about the real George Washington. They usually recognize his image from the dollar bill, and sometimes they're familiar with the age-old myths about the cherry tree and the silver dollar toss across the Rappahannock River. But when it comes to even the most rudimentary facts—what war he was in and when he was president—it is incredible how many people draw a blank. And it's not just the kids in grade school who have somehow lost touch with George Washington. It is their parents as well. This most recent survey of college students confirms our worst fear: that the next generation of parents will continue this trend of ignorance. To put it as simply as possible, it would be naïve to think that George Washington could be first in the hearts of this generation, because it simply doesn't know and appreciate his remarkable leadership and character.

Walter A. McDougall, Pulitzer prize-winning professor of history, University of Pennsylvania:

The findings of this excellent ACTA report are deemed ''shocking.'' In fact, they are all too predictable, which is why they deserve the widest dissemination. Americans simply cannot expect rigorous history instruction in their K–12 schools so long as the nation's elite colleges and universities delete history from their curricula.

Thomas Egan, Chairman of the Board, State University of New York:

ACTA's recent report ''Losing America's Memory,'' is alarming proof that our graduates are failing to receive a strong grounding in their past. At SUNY, we are pleased to be among the vanguard of university boards to require U.S. history as part of a core curriculum demanded of our graduates. Congressional action today confirms what we have already concluded: students must be familiar with their history in order to be engaged participants in the civic life of our nation.

Stepeh H. Balch, President, National Association of Scholars:

More than most nations, America is defined by shared memories. Great deeds, stirring moments, inspiring heroes, hard-won victories, occasional defeats, and, most significantly, lofty ideals—declared, attacked, and ultimately vindicated—map our collective identity. ACTA's study, ''Losing America's Memory,'' thus strongly suggests that we are also in danger of losing America itself. Its findings should be a wake-up call for our educators who have been clearly shirking their responsibilities.

Candace de Russy, Member of the Board, Chairman, Academic Standards Committee, State University of New York:

As part of their duty to ensure the academic excellence of their institutions, the nation's higher-education governing boards are beginning to promote U.S. history requirements. We trustees of the State University of New York have accomplished this by mandating the study of American history as part of a larger core curriculum which all SUNY undergraduates must now pursue. This mandate is consonant with our determination to raise academic standards. It also reflects our commitment to help ground students in the fundamental norms and ideals we as citizens need to hold in common in order that this free society endures.

Dr. Balint Vazsonyi, Founder and Director, Center for the American Founding:

Having grown up in Hungary, in turn under German National Socialist and Russian International Socialist terror, I have learned the absolute need of socialists to erase the national memory as a precondition for disseminating their own fictitious history. The so-called National Standards for U.S. History demonstrate that the second stage of this process is already under way. Alone clear identification of the ideology that mandates the erasure of national memory can provide a meaningful response to the crisis. It is then up to the advocates of that ideology whether they desire continued identification with it. Incorporating more of the current, mostly fraudulent histories in the curriculum only serves those who have created the crisis in the first place.

Marc Berley, President, Foundation for Academic Standards & Tradition:

While students may not know as much as they should about American history, they do know what they're missing. And they want their colleges to do exactly what Senator Joseph I. Lieberman and Congressman Thomas E. Petri are urging. In ''Student Life,'' a national survey of 1005 randomly selected college students conducted by Zogby International and released last week by the Foundation for Academic Standards and Tradition, 8 out of 10 college students said their schools need to ''do a better job teaching students the basic principles of freedom in America.''

Michael C. Quinn, Executive Director, James Madison's Montpelier:

America is forgetting its heritage, and it does matter. The American Council of Trustees and Alumni has recently taken a survey of college seniors, and has exposed the failure of our universities to teach our nation's history. Only 23 percent of the college seniors surveyed could correctly identify James Madison as the ''Father of the Constitution.'' Why does this matter? It matters because the American nation exists through its heritage. Americans have only one thing that unites them as citizens: a shared vision of democracy. Citizens of almost every other country are united by a shared language, a shared religion, a shared geography, or a shared ethnicity. In America, we join together as a people because of nothing more than an idea. Yet the idea we share as a people—the constitutional democracy pioneered by James Madison and other founding fathers—is one of the most powerful ideas on earth. No other form of government has guaranteed so much individual liberty and economic opportunity to its citizens. The failure to teach American history, with its lessons of struggle and idealism, of inspiring leaders like James Madison, is failing our nation. Each generation has an obligation to instill the shared idea of democracy into the next generation. And American history—the story of the birth and success of that vision of democracy—makes our shared idea a lasting, meaningful part of every new citizen's life.

The PRESIDING OFFICER. The question is on agreeing to the managers' amendments Nos. 3700 through 3731.

The amendments (Nos. 3700 through 3731), en bloc, were agreed to.

Mr. SPECTER. Mr. President, if there is any issue about the pendency of the Baucus amendment, I think it is in the managers' package. I ask unanimous consent to vitiate the request for

the yeas and nays on the Baucus amendment.

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

Mr. SPECTER. Mr. President, parliamentary inquiry. Are we now ready for third reading?

Mr. GRAMM. Mr. President, I renew my point of order.

The PRESIDING OFFICER. The Senator from Texas raises his point of order. The point of order is sustained.

TRAINING NEEDS FOR APPROPRIATE USE OF SECLUSION AND RESTRAINT

Mr. LIEBERMAN. Will the Chairman of the Labor Health and Human Services Appropriations Subcommittee yield for a question?

Mr. SPECTER. I will be pleased to yield for a question from the Senator from Connecticut.

Mr. LIEBERMAN. First, I want to compliment the chairman and the ranking member, Mr. HARKIN for bringing this bill to the Senate in a very timely way and for the committee's attention to the several health programs funded by this Bill that very broadly benefit the entire Nation.

I also want to compliment the chairman and the ranking member for the committee's report language from last year that urged the Department of Health and Human Services to address the inappropriate use of seclusion and restraint in mental health facilities across the Nation that has resulted in tragic and unnecessary deaths and injuries. The committee's language has helped focus attention on this matter and progress has been made. For example, the Health Care Financing Administration (HCFA) has issued interim ''conditions of participation'' rules governing the use of restraints and seclusion in facilities receiving Medicare and Medicaid reimbursement. I thank the committee for its assistance in making progress on this matter.

Mr. President, what we have learned from the National Mental Health Association, the Child Welfare League, and my own states Klingberg Center is that a significant obstacle to making further progress is the high turnover rate in many of the mental health facilities across the country and the recurring need to provide training to new personnel in these facilities on the appropriate use of seclusion and restraint. To address this national problem, would the Chairman support funding a demonstration project for model training and education programs for the appropriate use of restraints?

Mr. SPECTER. I thank both Senators DODD and LIEBERMAN for their work in bringing this matter to our attention and I would certainly support such a demonstration.

Mr. LIEBERMAN. I thank the Chairman for his continuing leadership on this matter.

Mr. DODD. I would like to also thank the Chairman and the Ranking Member for their assistance on this issue which has been of particular concern in my state. In fact, I worked to develop legislation last year, S. 976, the Compassionate Care Act, cosponsored by Senator LIEBERMAN, that recognizes the critical need for adequate training in restraint use and alternatives to their use. The Compassionate Care Act was passed by the Senate unanimously last year as part of the reauthorization of the Substance Abuse and Mental Health Services Administration (SAMHSA) legislation and it is my hope that the House of Representatives will soon act on this important legislation.

Meanwhile, however, it would appear to me that there are nationally based consumer organizations that could make an important contribution to the development of model training and education programs that could effectively serve to lessen the inappropriate use of restraint and seclusion.

Mr. SPECTER. Yes. It seems to me that such groups would be strong competitors for an education and training demonstration grant.

MEDICARE CONTRACTOR FUNDING

Mr. CRAIG. I am concerned about the funding level for Medicare contractors. The Senate committee mark reduces the FY 2001 funding level by $57 million below the President's Budget recommendation. I believe that this funding reduction will adversely impact fee-for-service claims processing activities and the ability of contractors to provide critical beneficiary and providers services.

In the recent past, we have seen the effect inadequate funding levels can have on services. In 1998 payments were slowed down, and beneficiaries and providers were forced to deal with more voice mail rather than human beings when they called their contractors with questions about claims. We need to fund this program adequately to ensure beneficiaries get the service they deserve.

Mr. DORGAN. I want to make it clear that funding to assure the timely and accurate processing of Medicare claims also is a high priority for me and the beneficiaries in my state.

I am concerned that HCFA projects a 3.5 percent increase in claims volume next year and yet our budget flatlined funding for Medicare contractors. However, I am even more concerned that the House has cut the Medicare contractor budget by $79 million from current levels. The Senate, at the very least, must assure that this important program is not cut. Additionally, I would like to work with Senator CRAIG to secure additional funding for the Medicare contractors, if funds become available.

Mr. SPECTER. I understand the issues both Senators are raising and the importance of adequately funding the Medicare contractor program. I will work with my two colleagues to try to keep the Senate funding level is kept intact and that no funding cut is made to the Medicare contractor program.

HCFA COVERAGE CHANGE

Mr. HOLLINGS. Mr. President, I rise today to discuss an issue of importance to the people of South Carolina with my colleagues from Pennsylvania and Iowa.

In January of 1999, South Carolina enhanced its Medicaid drug program to provide eligible adults with four prescriptions a month instead of three. This was a much needed change that HCFA had encouraged South Carolina to make over a number of years. Unfortunately, South Carolina improperly notified HCFA of the coverage change. Instead of filing a State Plan amendment, South Carolina distributed a Medicaid Bulletin to relevant parties—including three officials at HCFA's Atlanta regional office, believing that to be sufficient. The South Carolina Department of Health and Human Services brought their oversight to HCFA's attention. South Carolina and HCFA are currently involved in discussions regarding whether South Carolina should receive federal funds for 4th prescription expenditures that occurred between January 1, 1999 and September 30, 1999.

At this time, a legislative remedy does not appear necessary to allow HCFA to impose suitable fines on states that provide notice of Medicaid coverage changes but do not properly file State Plan amendments. I am encouraged by the response officials in South Carolina have received from HCFA and hopeful that a resolution can be reached in a manner agreeable to all parties. Nevertheless, I wanted to bring this matter to the attention of the distinguished chairman and ranking member of the subcommittee and inform them that I may revisit this issue at a later date if necessary.

Mr. SPECTER. I thank my colleague from South Carolina for bringing this matter to my attention. I too hope that South Carolina and HCFA can resolve their difference, but would be willing to discuss the matter in the future if an agreement cannot be reached.

Mr. HARKIN. I agree with the comments of the chairman.

Mr. HOLLINGS. I thank the distinguished chairman and ranking member of the subcommittee for their attention to this matter and will keep them appraised of future developments.

MEDICARE INTEGRITY PROGRAM

Mr. HARKIN. I am very concerned about the proposed $50 million funding cut to the Medicare Integrity Program (MIP) approved by the House Appropriations LHHS Subcommittee. The Senate has recommended that MIP be funded at $680 million, the amount authorized in HIPAA.

In 1999, Medicare contractors saved the Medicare Trust Funds nearly $10 billion in inappropriate payments—about $18 for every dollar invested. Any funding cut to MIP is tantamount to the government throwing money out a window. In fact, I believe, because of the tremendous need to reduce an estimated $14 billion in Medicare waste, we

should increase MIP funding. Therefore, I will work hard to ensure that the Senate funding level for this important program is not compromised. It should be higher, not lower.

Mr. GRASSLEY. I've long been committed to the effective and efficient management of the Medicare program, specifically the detection of fraud and abuse. I supported the creation of the MIP program, established under HIPAA, to provide a stable and increasing funding source for fraud and abuse detection efforts. Prior to MIP, Medicare contractor funding for anti-fraud and abuse activities was often reduced because of other spending priorities in the annual appropriations process. MIP was created to prevent that from happening again. The House Appropriations Committee recommendation is in clear disregard of congressional intent.

Additionally, I am concerned about the Senate Appropriations Committee recommendation to flatline the Medicare contractor budget. HCFA requested a $57 million increase to the Medicare contractor budget, in part to ensure implementation of certain balanced budget amendment provisions. Without this money, I am told by HCFA, that the final provisions of BBA will not be implemented. It doesn't make much sense to pass laws, if we don't provide the funding to ensure their implementation.

Mr. SPECTER. Please rest assured that during conference, I will try to keep MIP funding at the Senate recommended level of $680 million. I understand the importance of the MIP program to the integrity of the Medicare Trust Funds and will work with my colleagues to ensure full funding of this program.

Regarding the Medicare contractor budget, I am committed to the Senate Appropriations Committee funding recommendation of $1.244 billion and will work in conference to keep the Senate's funding level.

OUTREACH SERVICES

Mr. DEWINE. Mr. President, as Chairman of the Aging Subcommittee I would like to take this opportunity to compliment the Chairman of the Labor, Health and Human Services, Education Appropriations Subcommittee, Senator SPECTER, for his efforts to address the needs of America's aging population. At this time, I would like to engage the distinguished chairman in a colloquy.

Mr. President, there is a lack of understanding of what constitutes the best outreach and professional services for our elderly population. I am pleased to report that Ohio is taking the lead in providing quality health care professionals to the provider community. In particular, the Geriatric Nursing Program at the University of Akron has been recognized as the top such program in the United States. They are most interested in identifying and developing best practices in elder care that can be disseminated nationally for use by other institutions and health care providers. Would you agree that such a program would help improve the overall quality of care of our elderly population?

Mr. SPECTER. Mr. President, I would like to thank the Senator from Ohio for his kind remarks and his dedication on this most important matter. I, too, would agree that such an initiative would be most valuable.

Mr. DEWINE. Mr. President, I appreciate the comments from the gentleman from Pennsylvania and would ask that the Chair support the program in the upcoming conference with the House of Representatives.

Mr. SPECTER. Mr. President, I consider the interests of older Americans, particularly the issue of ensuring quality health care, to be among the most important matters that come before the subcommittee. The gentleman from Ohio has my commitment to support the project in conference.

HUNTINGTON'S DISEASE

Ms. MIKULSKI. Mr. President, I rise today with the Chairman of the Senate Appropriations Subcommittee on the Departments of Labor, Health and Human Services, and Education to discuss a fatal brain disorder called Huntington's disease. This genetic ailment, which has no cure, has afflicted approximately 30,000 Americans, and over 150,000 more people in our country are at risk. In my state alone, it is estimated that over 500 people have Huntington's, and another 4,742 are at risk. Also known as ''HD,'' the illness is like a cross between Alzheimer's disease and Parkinson's disease. Everybody with the defective gene will become ill, slowly losing the ability to walk, talk, eat, and reason and eventually dying from choking, infection, or heart failure. HD strikes both sexes, all ethnicities, and sometimes even children. In addition, each child of a parent with HD has a 50/50 chance of inheriting the gene.

One family that has been struck by the terrible realities of Huntington's disease is the Mason family of Baltimore, Maryland. Troy Mason was once the agile quarterback on his high school football team. Today at age 36, Mr. Mason uses a wheelchair and can only walk a bit and speak some words. His wife, Rosemary, is his full time caregiver. Troy and Rosemary's two children have a 50/50 chance of inheriting the HD gene. Not only does Mrs. Mason care for her husband, but she also cares for her mother who suffers from HD. This means that Mrs. Mason also has a 50/50 chance of inheriting the HD gene. Mrs. Mason not only has to face the incredible daily stresses and strains of caregiving, but must also face the possibility that she and her children may someday have Huntington's disease themselves. This Baltimore family is courageously fighting Huntington's disease, but they need our help.

Mr. SPECTER. I am familiar with the horrible effects of Huntington's disease. In my state, 1,200 people are affected. But I am optimistic about a cure. HD research is advancing rapidly and could be the Rosetta stone to treatments for Alzheimer's Parkinson's, and other neurodegenerative disorders that together strike millions of people and their families.

I am also hopeful that through public and private medical research funding, we will soon approach a better understanding of, and perhaps even a cure for, this terrible disease. Researchers at the University of Pennsylvania are part of this effort. The federal government clearly has a significant role to play in this struggle. In Fiscal Year 1999, the National Institute of Neurological Disorders and Stroke at the National Institutes of Health (NIH) dedicated $62.5 million to Huntington's Disease research. Also commendable is the commitment of the Huntington's Disease Society of America (HDSA), which this year will allocate an estimated $2.8 million to research in this area.

Ms. MIKULSKI. The people of Maryland appreciate this support by the NIH and laud your and Senator HARKIN's leadership in doubling the NIH budget over five years. I am very pleased to join you in this worthy endeavor. We are proud to have an HDSA Center of Excellence in Maryland, at Johns Hopkins University and Johns Hopkins Hospital. Johns Hopkins also receives funding from NIH to conduct Huntington's disease research. However, I believe additional resources are needed to fund important HD research. I am concerned that the current health appropriations bill does not provide guidance to the NIH on HD funding and research priorities.

Mr. SPECTER. I understand the Senator's concerns. The Committee has included nearly $1.2 billion in this year's appropriations bill for the National Institute of Neurological Disorders and Stroke, NINDS. This is a significant increase over the FY00 level. I believe that the NINDS, and the NIH generally, devote additional resources to Huntington's disease research in FY 2001. I also believe that the NINDS could increase support for the centers of excellence and other programs developed by the Huntington's Disease Society for the care of HD patients.

Ms. MIKULSKI. I thank the Chairman for his attention to Huntington's disease. To eliminate this horrible illness and others like it we must build and strengthen the partnership between the federal government, academia, and private organizations. I wish to thank the Distinguished Senator from Pennsylvania for his assistance. I yield the floor.

STRATEGIC PLAN FOR PKD

Mr. SANTORUM. Mr. President, I wonder if my distinguished colleague, the senior senator from Pennsylvania, would answer a few questions on funding for research regarding polycystic kidney disease?

Mr. SPECTER. I would be happy to answer questions on this issue.

Mr. SANTORUM. I thank the Chairman. I know that you are very much

aware of the devastation caused by polycystic kidney disease, better known as PKD. Our colleagues may be interested to know that this disease afflicts over 600,000 Americans, which is more than the combined total of cystic fibrosis, Huntington's disease, sickle cell anemia, hemophilia, muscular dystrophy and Down's syndrome. That translates into an average of almost 1400 sufferers in each congressional district, or 12,000 in each state.

PKD is the most prevalent life-threatening genetic disease, and is the third leading cause of kidney failure, resulting in almost $2 billion spent every year to treat end-stage renal disease requiring dialysis or transplantation. End-Stage Renal Disease is the fastest growing part of Medicare, and I know we are all looking for ways to strengthen that important program.

Mr. President, I would like to ask the Chairman if, in the context of the funding provided to the National Institutes of Health in this bill, could he tell us your intentions with regard to PKD research?

Mr. SPECTER. As the Senator knows, we are entering the third year of a bipartisan effort to double funding for the NIH. Within that budget, we have been able to provide significant increases in the budget for the National Institute of Diabetes and Digestive and Kidney Diseases.

It is my hope and intention that, with these additional funds, NIDDK will fully implement the Strategic Plan for PKD put forward by a panel of blue-ribbon experts which they convened in 1998. These expert scientists and doctors have stated that, with a total PKD research budget of $20 million, which we provide in this bill, they are confident that a treatment for PKD can be achieved in the very near future. In fact, I am very heartened by recent reports indicating that a drug currently used to treat cancer has been shown to actually stop the progression of PKD in laboratory animals. This discovery, coupled with statements from our leading genetic researchers to the effect that PKD is the most rapidly advancing area of genetic research, convinces me that the additional funds provided in this bill will allow NIDDK to produce a treatment and eventual cure for this devastating disease.

May I say to my colleague that I intend to do everything in my power to ensure that NIDDK implements the Strategic Plan for PKD. This bill provides the budgetary means to do that, and I will be following up with NIDDK on the disposition of those funds.

Mr. SANTORUM. I thank my esteemed colleague for his help in this matter.

OCULAR ALBINISM

Mr. BROWNBACK. I rise today to bring to the attention of the senate the serious disease Ocular Albinism. Ocular Albinism is an x-linked genetic disorder affecting 1 in 50,000 American children, mostly males. Affected patients show photophobia, nystagmus, strabimus, a loss of three dimensional vision and a severe reduction in visual acuity, due to the abnormal development of the retina and optic pathways. There are five diseases relating to Ocular Albinism including Fundus Hypopigmentations, Macular Hypoplasia, Iris Transillumination, Visual Pathway Misrouting and Nystagmus

Mr. SPECTER. Ocular Albinism is one of the many diseases being researched by the NIH. This is why I have been pressing for a doubling of funding for NIH and have included a $2.7 billion increase in funding in this bill.

Mr. BROWNBACK. In consideration of the severity of this disease and the paucity of current NIH sponsored research I would certainly hope that the NIH will develop and fund a research initiative in cooperation with the National Eye Institute in to the causes of the treatments for Ocular Albinism and related Disorders.

Mr. SPECTER. I agree with my colleague and thank him for brining it to the attention of the Senate.

Mr. BROWNBACK. I thank the Chairman of the Subcommittee and commend him for his understanding of the importance of this issue.

FEDERAL FAMILY STATISTICS

Mr. BROWNBACK. Mr. President, I rise today to engage in a brief, but important colloquy with the distinguished chairman of the Labor-HHs subcommittee of the Appropriations Committee, Senator SPECTER. I appreciate his willingness to engage in this colloquy, and his commitment to ensuring that the federal government does the best possible job in gathering vital information on family structure and function.

It has been said that the family is the cornerstone of civilization. Certainly, the evidence we have suggests that family structure is one of the most fundamental indicators of child health and well-being. Strong families are positively linked to child physical, emotional and psychological health, social adjustment, academic competence, and positive behavior. In fact, the more we study family structure and function, the more information we glean about children's health risks, and challenges to their well-being and development.

Unfortunately, there is vital data that is not currently being gathered relating to family structure and function. This is not merely my opinion, but the statement of the Federal Inter-Agency Forum on Child and Family Statistics, which declares that important information on child living arrangements, family structure, and family interaction, is falling through the cracks, and recommends expanded and enhanced data-gathering in these areas. Without such data, we are at a disadvantage in determining the root causes of both youth well-being, and youth challenges, and addressing them effectively.

It is therefore vital that we encourage the National Center of Health Statistics, the Agency for Health Care Policy and Research, the National Institute of Child Health and Human Development, Administration for Children and Families, Maternal and Child Health Bureau, Office of the Assistant Secretary for Planning and Evaluation, and Bureau of Labor Statistics to enhance research in this area. According to the Inter-Agency Forum on Child and Family Statistics, of which all these agencies are a member of, regularly collected data are needed that describe children's living arrangements, and interactions with parents and guardians, including non-residential parents. In addition, regularly-collected data are needed on how many children live with biological parents, step-parents, and adoptive parents, or with no parent or guardian.

Mr. SPECTER. Senator BROWNBACK, I appreciate the work that you have put into this, and look forward to working with you on appropriate language which may be included in the Labor-HHS conference report.

Mr. BROWNBACK. I thank the subcommittee chairman. Mr. Chairman, I should add that there are many sources of information that only the federal government has the means and resources to tap effectively. Gathering this data may also prove helpful in reducing health care costs, strengthening families, and improving the health and well-being of children.

Mr. SPECTER. I thank my colleague from Kansas for his work on this issue.

Mr. BROWNBACK. I thank the Chairman.

STRENGTHEN OUR SISTERS

Mr. TORRICELLI. Mr. President, I rise to ask the distinguished managers of the bill if they would consider a request I have concerning the conference.

Mr. SPECTER. I would be happy to consider a request from by colleague from New Jersey.

Mr. TORRICELLI. I rise in support of Strengthen Our Sisters, a non-profit, tax-exempt shelter in West Milford, New Jersey that has provided homeless and battered women and children with safe shelter and supportive services since 1988. The mission of Strengthen Our Sisters is to help women and children break the cycle of domestic violence and homelessness, which, if unchecked, is passed from one generation to the next. To date, Strengthen Our Sisters has experienced great success in fulfilling its mission as evidenced by its remarkable growth. While in 1988, Strengthen Our Sisters started with an annual budget of less than $36,000, this year's budget stands at $1.3 million. Strengthen Our Sister's continued growth is a result of their demonstrated expertise in management and dedicated and knowledgeable staff.

As a way to help more women, Strengthen Our Sisters would like to expand the service their program offers for older women. In 1998, Strengthen Our Sisters served four women over age fifty-five, a number that jumped to fourteen in the span of less than a

year. The older women they serve often arrive with long histories of abuse that requires special services related to domestic violence, drug and alcohol addictions, unemployment and mental health. Indeed, the need for assistance naturally increases as we grow older. And, adding life changing circumstances such as abuse, homelessness and physical challenges to the equation increases the need for assistance exponentially. Thus, Strengthen Our Sisters would like to expand the services its program offers to address the needs of senior women in a comprehensive and integrative manner that focuses on helping them attain appropriate shelter, resources and advocacy services.

The work of Strengthen Our Sisters is an appropriate focus for the Committee because domestic violence is a national epidemic. Expanding the Strengthen Our Sisters program to help senior women could be a model for shelters across the country that are confronting similar problems and population trends.

Mr. SPECTER. In the past, we have faced difficult choices in making a determination of funding priorities and this year promises to be no exception. We are aware of the request by Strengthen Our Sisters and commend their efforts toward expanding its program to serve more women in need. In conference, we will keep in mind your request as well as those with similar meritorious characteristics and goals.

Mr. TORRICELLI. I thank my distinguished colleague for his assistance with this matter. I am thankful for the Committee's acknowledgment of the expertise and dedication that Strengthen Our Sisters brings to helping our most vulnerable population and I hope that funding for this important organization can be found in conference.

COMPREHENSIVE SCHOOL REFORM FUNDING IN LABOR HHS APPROPRIATIONS BILL

Mr. BINGAMAN. Senator Lugar, I know you're aware of the tremendous good that the Comprehensive School Reform program (CSRD) has introduced to many struggling schools with high proportions of disadvantaged students, and the potential that the program offers for the numerous schools that desire to implement comprehensive reform in their buildings. While I recognize the considerable task of Chairman SPECTOR and Ranking Member HARKIN in accommodating the great number of priorities funded in the FY'01 Labor-HHS-Education appropriations bill, it concerns me that the bill before us provides no funds for the CSRD—a tremendously popular and effective program.

Mr. LUGAR. I agree that few areas of our education funding can have a more positive impact on education in America than the CSRD. This program is a key tool for helping struggling schools adopt important reforms. Good reform programs are a bargain for our schools and our children when we compare their costs to that of retention, special education and illiteracy. In fact, I filed an amendment to S. 2, legislation crafted to reauthorize the Elementary and Secondary Education Act, that would have more than doubled funding for this important program. Unfortunately, this bill has been set aside.

Mr. BINGAMAN. The notion of systematic, comprehensive reform is inherently appealing because rather than piecing together discordant or incompatible pieces of change, these approaches provide a holistic and coordinated plan of action to improve student achievement and outcomes. I know that a number of research-based models of comprehensive school reform have been developed in recent years, and one that I am familiar with and which has spurred great progress across New Mexico is the Success for All program.

Success for All is serving about 1550 elementary schools in 48 states, and is also assisting related projects in five other countries. Fifty schools in New Mexico have adopted this program with great results.

Mr. LUGAR. Success for All is an exemplary research-based reform program. I have spent time with Dr. Slavin, who developed this program at Johns Hopkins, and I have been visiting Success for All schools in Indiana. The results in these schools are so promising that I have written to every superintendent in Indiana urging them to take a look at the program.

The discipline and accountability of Success for All greatly reduce the possibility that students will fail. By teaching children to read in the early grades, our schools can avoid holding students back, promoting them with insufficient ability or transferring them out of the normal curriculum to special education courses. Referrals to special education in Success for All schools have been shown to decrease by approximately 50 percent. In schools where Success for All is taught, students learn to read by the end of the third grade. By the fifth grade, students in these schools are often testing a full grade level ahead of students in other schools.

Mr. BINGAMAN. It is clear that as we seek ways to assist resource-poor and failing schools, we should increase support for research-based proven programs like Success for All. The House bill included the amount requested by the Administration—$240,000,000—for this program and I know that Senators SPECTER and HARKIN are supporters of the program. So, I'd like to encourage the Senators to include funding for it as the bill moves to conference. Funding at this level would allow approximately 2,250 schools to receive new grants and continue support for 1,025 schools currently using such funds to carry out research-based school reforms. It is my hope that we can work together as the bill moves through the appropriations process to fund this successful program.

Mr. SPECTER. Senators LUGAR and BINGAMAN make some very valid points with respect to the comprehensive school reform program. In conference with the House, I will make every effort to work with the Conferees to provide adequate resources for the CSRD.

Mr. HARKIN. I agree that the comprehensive school reform program has had a positive impact in many of our schools. As the bill moves to conference, I will work with Chairman SPECTER to restore funding for this program.

RELIEF FOR DISPLACED COAL WORKERS IN INDIANA COUNTY, PENNSYLVANIA

Mr. SANTORUM. Mr. President, I have sought recognition to discuss with Chairman SPECTER the plight of nearly 1,000 displaced coal workers in southwestern Pennsylvania. As Senator SPECTER is aware, these employees of Consol Coal have recently lost their jobs and have sought federal assistance to provide a wide variety of adjustment assistance services including occupational skills training, career plan development, and job search assistance.

As my colleague knows, the Commonwealth of Pennsylvania had requested over $12 million in an emergency grant application that was submitted to the U.S. Department of Labor. In addition to the services already mentioned, needs-related payments were requested in order to provide income support to workers who participated in retraining activities. These payments are essential as they provide a modest source of income for the workers while they are pursuing additional skills and education in order to prepare for a new vocation. Unfortunately, the Department of Labor only funded a portion of the request, indicating that needs-related payments could not exceed 25 percent of the total application. However, in the past the Department has not held similar applications to the same standard. In fact, I have been made aware of a grant award for mine workers who requested needs-related payments in excess of 70 percent of the total grant application.

Knowing of the need of these displaced coal workers and the inconsistency of the Department of Labor in awarding funds, I ask that Chairman SPECTER work with me in the coming weeks to identify appropriate funds in the Department of Labor's budget to support these workers as they prepare for new careers.

Mr. SPECTER. Mr. President, I want to thank my friend, the Senator from Pennsylvania, for his comments. He has been a tireless advocate of the coal workers in Indiana County, and I applaud his efforts on their behalf.

I, too, am well aware of the situation being faced by the former employees of Consol Coal and wrote to the Department of Labor on January 31, 2000 to urge that federal retraining funds be made available. As my colleagues are aware, we face tight budget constraints in this legislation. I will continue working with my colleague from Pennsylvania in the coming weeks in an effort to identify sources of funding that may be available for this purpose.

GRADUATE MEDICAL EDUCATION PROGRAM

Mr. MACK. Will the Chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee yield for a question?

Mr. SPECTER. I will be pleased to yield to the Senator from Florida for a question.

Mr. MACK. I was most pleased to see that the Senate report accompanying this bill urged the Department to act in a timely manner to issue a Notice of Proposed Rule Making to include psychology into the Graduate Medical Education program. As you know, the Senate Finance Committee and the House Ways & Means Committee have been working with the Department of Health and Human Services on this matter since 1997. Both the Conference Report on the Balanced Budget Act of 1997 (Report 105–217 issued on July 30, 1997) and the Conference Report on last year's Omnibus bill (Report 106–479 issued on November 18, 1999) urged the Department to act favorably on this matter. In fact last year's Conference Report urged the Secretary to issue Notice of Rule Making to accomplish this modification before June 1, 2000.

Mr. President, we thank you for including language in your report—Report 106–292—to further support this effort. I am saddened to report that the advice the Appropriations Committee has given the Secretary is being given little notice, just like all the previous requests to her on this matter. Mr. President, at this point, I would request unanimous consent that a letter I wrote to Secretary Shalala, along with Senator GRAHAM, Congressman SHAW, and Congresswoman THURMAN on April 27, 1998 be published in the RECORD, following this colloquy.

Mr. President, many letters have been written to the Secretary and Nancy Ann Min DeParle, the Administrator of the Health Care Financing Administration, on this subject. Language has been included in two Finance/Ways & Means Conference Reports on this subject. Language has been included in the L–HHS Report. Despite all of these urgings, the desired result has not been produced. Would the Chairman of the Subcommittee consider including bill language in the final bill mandating this action if the Department has not issued the Notice of Proposed Rule Making by the time the Subcommittee goes to Conference with the House.

Mr. SPECTER. I would be pleased to look at this matter between now and the time of Conference.

Mr. GRAHAM. I understand that the Health Care Financing Administration has now cleared the NPRM, but there are other Departmental Agencies who now have questions about issuing the NPRM. I also concur with my colleague Senator MACK, that this issue has remained unresolved for too long, and I also believe it would be appropriate to include language to mandate this change.

Mr. MACK. I thank the Chairman for his response to our inquiry.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, April 27, 1998.

Hon. DONNA SHALALA,
Secretary of Health and Human Services, Washington, DC.

DEAR SECRETARY SHALALA: The purpose of this letter is to bring to your attention report language included in the Balanced Budget Act of 1997 (P.L. 105–33) and to request implementation of the language at the earliest possible date. The language stated: ''With regard to graduate medical education payments, the Committee also notes that the Secretary reimburses for the training of certain allied health professionals, and urges the Secretary to include physician assistants and psychologists under such authority.''

The Graduate Medical Education (GME) program currently supports the training of 13 allied health professions including hospital administration, medical records, x-ray technology, dietetic internships and inhalation therapy. We believe the cost of including two additional health professions in the GME program, as recommended by the Senate Finance Committee and the House Ways and Means Committee, would be small and offset by the additional benefits to patient care.

In our view, including psychologists and physicians assistants in the GME program would be of significant benefit to Medicare patients. For example, there is an excellent program at the University of Florida where clinical psychologists, working in Shands Teaching Hospital, treat a variety of individuals with medical and psychological disorders. This program operated at and supported financially by Shands University Hospital contributes significantly to patient care and is the kind of program the Conference Committee considered appropriate for GME reimbursement.

We look forward to hearing from you regarding early implementation of the Conference language.

Sincerely,

Hon. CONNIE MACK,
U.S. Senator.
Hon. BOB GRAHAM,
U.S. Senator.
Hon. E. CLAY SHAW,
Member of Congress.
Hon. KAREN L. THURMAN,
Member of Congress.

CHILD HEALTH INSTITUTE OF THE UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY-ROBERT WOOD JOHNSON MEDICAL SCHOOL

Mr. TORRICELLI. I rise for the purpose of engaging the Chairman, Mr. SPECTER, in a colloquy.

Mr. SPECTER. I'd be happy to join my colleague from New Jersey in a colloquy.

Mr. TORRICELLI. I would like to take this opportunity to express my support for a very important initiative to both myself, the State of New Jersey, and the Nation. The University of Medicine and Dentistry of New Jersey (UMDNJ)-Robert Wood Johnson Medical School has developed the Child Health Institute (CHI) of New Jersey—a comprehensive biomedical research center focused on the development, growth and maturation of children. The mission of the Institute is to improve the health and quality of life of children by fostering scientific research that will produce new discoveries about the causes of many childhood diseases as well as the treatments for these diseases. Researchers will direct their efforts toward the prevention and cure of environmental, genetic and cellular diseases of infants and children.

The hospitals in central New Jersey birth nearly 20,000 babies each year. The founding of the Child Health Institute has created an extraordinary health care resource for these hospitals and the patients they serve. The new Children's Hospital at Robert Wood Johnson University Hospital is scheduled to open in 2000 and the Child Health Institute in 2001. Together these institutions will provide state of the art clinical and scientific research and treatment complex to serve children and their families, not only in New Jersey, but throughout the nation with cutting edge care and the latest scientific developments.

At maturity, the Child Health Institute is also expected to attract between $7 and $9 million of new research funding annually with the total economic impact on the New Brunswick area estimated to be $50 to $60 million per year. This facility has also already attracted the private funding of two endowed professorships designed to allow recruitment of world-class faculty.

Mr. President, funding for the University of Medicine and Dentistry's Child Health Institute in this bill would be entirely appropriate under the Health Resources and Services Administration account. It would be money well spent. I ask the Chairman to consider providing $5 million for the completion of the Child Health Institute.

Mr. SPECTER. I thank my colleague for his comments. We have received numerous requests for funding of health facilities. In the past, we have faced difficult choices in making a determination of funding priorities and this year promises to be no exception. We are aware of the request by the Child Health Institute and commend their efforts toward enhancing its research and service capacity. In Conference, we will keep in mind your request as well as those with similar meritorious characteristics and goals.

ANTIMICROBIAL RESISTANCE

Mr. COCHRAN. It is my understanding that, in view of the pressing need to deal with both infectious diseases and antimicrobial resistant diseases, the Chairman will agree that in conference there will be a total of at least $25 million in new funds to deal with the problem of antimicrobial resistance and that the total to deal with other infectious diseases will be at least at the level included in the Senate bill prior to the amendment.

Mr. SPECTER. That is correct.

Mr. KENNEDY. I commend my colleagues, Senator SPECTER and Senator COCHRAN, for their leadership in having reached agreement on this important issue. The resources provided under this agreement are an important first

step in addressing the critical problem of antimicrobial resistance. I look forward to continuing to work with my colleagues on this important issue as the Senate considers the legislation on infectious diseases, antimicrobial resistance and bioterrorism that I have introduced with my colleague, Senator FRIST.

LEAST TOXIC PESTICIDES POLICIES

• Mrs. BOXER. Mr. President, last March, the Senate passed an amendment I offered to the Education Savings Accounts bill that said schools receiving federal funds must notify parents prior to the application of toxic pesticides on school buildings and grounds. It also required the distribution of the Environmental Protection Agency's manual that guides schools in establishing a least toxic pesticide policy.

I offered that amendment for a simple reason. Toxic pesticides hurt our kids, and that hurts the education of our kids. The National Academy of Sciences has found that up to 25 percent of childhood learning disabilities may be attributable to a combination of exposure to toxic chemicals like pesticides and genetic factors. Yet, current EPA pesticide standards are not protective of children, and schools across America—where our children spend 6 or 7 or more hours a day—routinely use toxic pesticides. My amendment sought to lessen the impact of toxic pesticides on our children by urging schools to use the kinds of products that will harm children the least and to let parents know when toxic pesticides are going to be used.

Again, my amendment was added to the Education Savings Accounts bill. However, that bill has not gone anywhere since the Senate passed it on March 2. I could offer my amendment to the Elementary and Secondary Education Act bill, but it, too, appears dead.

So, I drafted an amendment to the Labor-HHS Appropriations bill to provide $100,000 for the Department of Education, in conjunction with the Environmental Protection Agency, to encourage school districts across the country to establish a least toxic pesticide policy—which is the policy in several school districts in California—and to notify parents prior to the use on school grounds of pesticides that the EPA has identified as a known or probable carcinogen, a category I or II acute nerve toxin, or a pesticide of the organophosphate, carbamate, or organochlorine class.

At the suggestion of my friend from Iowa, the Ranking Member of the Labor-HHS Appropriations Subcommittee, I will not offer that amendment because I understand that the managers will work to add language in the conference report that would accomplish the same thing. May I ask the Chairman and Ranking Member if that is correct?

Mr. HARKIN. Mr. President, I thank the Senator from California for bringing this issue before the Senate. I support what she is trying to do, and I think we can accomplish it through language in the conference report rather than as an amendment to the bill itself. I assure her that I will work to include such language in the report.

Mr. SPECTER. Mr. President, I will also work to see that language is included in the conference report encouraging the Department of Education to urge schools to adopt a least toxic pesticide policy and to provide the information and support necessary to do so.

Mrs. BOXER. I thank my collegues.•

EMPLOYMENT AND TRAINING GRANTS FOR DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES

Mr. DOMENICI. Mr. President, I would like to raise the issue of how the United States Department of Labor is administering Grants for Dislocated Worker Employment and Training Activities.

Both the FY 1999 and 2000 Labor-HHS Appropriations Bill contained earmarks critically important to New Mexico's economic well-being. The earmarks were directed toward training workers for the State's rapidly growing technology-based call center industry.

In fact, the industry is generating in excess of 450 jobs per month that pay approximately $11 per hour with substantial benefits in New Mexico. These grants would allow for the continued expansion of this industry by allowing the New Mexico Consortium to create a training curriculum that will lead to employment in the call center industry with an emphasis on the placement of hard-to-employ individuals.

However, the Department of Labor's actions regarding these earmarks has left me deeply distressed by the ill treatment New Mexico has received, especially in light of the priority placed on this issue by not only me but, the Committee as well.

It is also my understanding the current program year for the Department of Labor ends this Friday, June 30th and that there may be unobligated funds left over at that time. It is also my further understanding that in the event there are such unobligated funds the Department could provide some of these funds to a deserving program, like the training program in New Mexico.

Mr. SPECTER. I understand the concerns raised by the distinguished Senator from New Mexico in ensuring the Department of Labor properly funds the projects specified by this Committee.

I would concur with my colleague from New Mexico in the importance of funding the program to train workers for the State's rapidly growing technology-based call center industry. In the event there are unobligated funds left over at the end of the Department's current program year, I would also urge the Secretary of Labor to consider allocating funding for the training program in New Mexico.

Mr. DOMENICI. I thank the distinguished Chairman for his consideration and support for this important matter.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. WELLSTONE. I rise in hope that Chairman SPECTER and Ranking Member HARKIN of the Labor-HHS Appropriation Subcommittee will engage in a colloquy with myself and Senator JEFFORDS, Chairman of the Health, Education, Labor and Pensions Committee, on the importance of advance funding for the Low Income Home Energy Assistance Program (LIHEAP).

I had initially planned to offer an amendment, with Senators JEFFORDS, KOHL, LIEBERMAN, LEVIN, SCHUMER, REED, DODD, KENNEDY, and LEAHY, that would restore advance funding for this essential program. However, since it is my understanding that my colleagues will work in the conference to ensure that the House provision for advance LIHEAP funding is included in the final appropriation bill, I will withdraw my amendment.

As my colleagues know, there is broad bipartisan, multi-regional support for LIHEAP. This year, 46 Senators signed a letter in support of the program. Specifically, we asked for $1.4 billion in regular LIHEAP funding, along with $300 million in emergency funding. In addition, we urged $1.5 billion in advance LIHEAP funding for fiscal year 2002. It is the lack of this advance funding in the Senate Labor-HHS appropriation bill that causes me great concern.

As many of my colleagues know, Minnesota is often called the ice-box of the nation, where bitterly cold weather is the norm. In fact, Minnesota is the third coldest state, in terms of heating degree days, in the country, after Alaska and North Dakota. Especially in cold-weather states like Minnesota, funding for LIHEAP is critical to families with children and vulnerable low-income elderly persons, who without it could be forced to choose between food and heat.

As we saw several years ago, when the Federal government shut down, piecemeal funding approved for LIHEAP had an extremely disruptive effect on the operation of the energy programs in the states. Congressional delay and enactment of appropriations bills after October 1 severely hampers states abilities to effectively plan their energy assistance programs. States operating year-round programs or those that begin in September are particularly threatened. Therefore, advance appropriations enable the creation of administrative systems for more efficient program management, allowing for orderly planning of state LIHEAP programs.

Will the Chairman work in conference to include this critical advance funding appropriation in the final Labor-HHS appropriation bill?

Mr. SPECTER. As you know, this is a very difficult year for appropriators. The budget caps are very tight, and this bill contains many valuable programs. I recognize and appreciate that the House-passed Labor-HHS bill provides $1.1 billion in FY2002 advance

LIHEAP funding. I have been a strong supporter of the LIHEAP program, and will work in conference to attempt to include the House provision for advance LIHEAP funding in the final appropriation bill.

Mr. JEFFORDS. First, Mr. Chairman, let me thank you for your hard work on this appropriation bill, and your dedication to the LIHEAP program. Next, I would just like to emphasize the importance of the forward funding provision contained in the 1990 reauthorization statute—the Augustus F. Hawkins Human Services Reauthorization Act.

This provision responds to the states' need to budget and plan their LIHEAP programs in advance of the fall/winter heating season, allowing them to effectively meet their obligations under the law. Timely energy assistance in the form of consistent advance LIHEAP funding is critical to the success of LIHEAP. For planning purposes, the states have come to rely on the predictability that your advance funding mark provides them.

Our Northeast-Midwest region has experienced extreme fuel price spikes during the last six months, highlighting the vulnerability of our low income energy consumers. With fuel prices projected to be even higher this winter than last, we need an effective LIHEAP program more now than ever. It is the most effective tool we have to ensure the safety of our low income households during severe weather conditions.

Mr. HARKIN. I agree that the importance of LIHEAP advance funding has been demonstrated this past year as many states have faced extreme temperatures and high fuel costs. LIHEAP advance funding is an effective tool that allows states to determine eligibility, establish the size of the benefits, determine the parameters of the crisis programs and enable the states to properly budget for staffing needs. I will work with Chairman SPECTER to attempt to include the House provision for $1.1 billion in FY2002 advance LIHEAP funding in the final appropriation bill.

Mr. WELLSTONE. Thank you, Mr. Chairman, Ranking Member HARKIN and Senator JEFFORDS. I appreciate your commitment to work in conference on behalf of LIHEAP, and I withdraw the amendment.

CENTERS FOR INDEPENDENT LIVING

Mr. BENNETT. I would like to thank the subcommittee chairman for including a $10 million increase for Centers for Independent Living, part C. However, because of the formula in current law, eighteen states do not receive any increase in funding. I understand that many of the smaller states have not received an increase since 1992. It is not my intention to change the funding formula in an appropriations bill, but I believe this problem needs to be addressed.

Mr. SPECTER. I appreciate the Senator bringing this to my attention, and am willing to hear the solution the Senator from Utah proposes.

Mr. BENNETT. The National Council on Independent Living and individuals in my own state of Utah, are concerned about individuals with disabilities who reside in underserved areas. NCIL has proposed changing the formula for Centers for Independent Living, part C. Under their proposal, fifty percent of funding will be distributed equally among the states, and fifty percent will be divided among the states based on population.

Instead of amending the Rehabilitation Act in this bill to permanently change the formula on this appropriations bill, I propose $5 million of the $10 million increase included in H.R. 4577, be divided equally among the states. The remaining $5 million would be distributed based on current law. Thus every state will receive a funding increase. In small states, this small amount translates to roughly $94,000. Based on letters and phone calls I have received, it appears that the coalition of Independent Living Centers across the country are amenable to this proposal—even the larger states.

Mr. SPECTER. I thank the Senator. I appreciate the Senator's sensitivity to changing authorizing language in this bill. I also share his concerns about the needs of individuals with disabilities in underserved areas, and I will address this issue as we proceed through the appropriations process.

Mr. BENNETT. I appreciate the chairman's consideration. It is my hope that we can reach an agreement that will increase the ability for Centers for Independent Living to serve the needs of individuals with disabilities not only in large states, but in smaller, underserved area.

VOCATIONAL REHABILITATION

Mr. SCHUMER. First, Mr. President, I would like to thank Senator SPECTER and Senator HARKIN for their leadership and continued funding of the Vocational Rehabilitation program, which is so important to the disabled men and women in New York State and across the country.

I would like to take a moment to engage my colleague in a colloquy.

Mr. HARKIN. I thank the Senator for his kind words and would be happy to engage in a colloquy with him.

Mr. SCHUMER. In Fiscal Year 2000, Congress provided a 1.2 percent inflationary increase to the Vocational Rehabilitation State Grants program, which is distributed through a statutory formula using population and per capita income data. In October of 1999, the Bureau of Economic Analysis released new estimates of per capita income resulting in a drastic change in the funding allocation to states. Under these comprehensive revisions, New York, Massachusetts, Colorado, Minnesota, Texas, and the District of Columbia lost funding to a level below that of their Fiscal Year 1999 funding. This shift was both unexpected and severe, leaving these states' agencies unable to assist hundreds of physically or mentally disabled men and women needing assistance toward gainful employment. In my own state of New York, we lost $1.6 million from our initially expected amount.

Mr. President, I wish to thank Senator HARKIN for committing to add report language during the conference committee negotiations of the Departments of Labor, Health and Human Services, and Education Bill for Fiscal Year 2001 that will enable the Department of Education to give priority status under Fiscal Year 2000 re-allotment funds to States who received less under the formula in Fiscal Year 2000 than in Fiscal Year 1999, and who are able to meet the criteria outlined in Section 110(b)(2) of the Rehabilitation Act.

Mr. HARKIN. I am pleased to help the Senator from New York and his colleagues from the other affected states and the District of Columbia.

Mr. SPECTER. I thank the Senator from New York for his effort on this issue and will do my best to resolve this situation in conference.

Mr. SCHUMER. I thank the Chair.

ADVANCED PLACEMENT FUNDING

Mr. BINGAMAN. Senators SPECTER and HARKIN, I'd like to express my appreciation to you and your committee members for agreeing on the importance of the Advanced Placement (AP) Incentive Program by recommending that it be funded at $20,000,000—a $5,000,000 increase over last year's appropriation. As you know, the AP program provides rigorous instruction to high school students by teachers who have had additional, intensive professional development. While historically it was the well-to-do elite that had access to these courses—which not only cover advanced material but enable students to gain college credit and advanced standing—today the AP program continues to expand its reach, so that over half of all high schools in the nation offer AP courses in a variety of subject areas. The fact of the matter is that in this era of focus on high standards and improving student achievement, the AP program offers proven impact on student outcomes in high school, and there is even research that shows that regardless of the grade attained, a student who has access to more rigorous course work in high school is more likely to complete college.

As you know, the AP Incentive Program helps ensure that AP classes are within reach of low income students by subsidizing the cost of taking the AP test. These tests cost about $100 and many low income students would have to pass up the opportunity to take it due to expense. The program also supports activities designed to expand access to AP courses, particularly in low income areas. Many schools do not yet have AP programs and schools with large minority and low income populations are less likely to offer AP courses. This can be tragic for many students, as many colleges and universities consider whether a student has

taken AP classes when making admissions decisions. Every student—regardless of socioeconomic background—should have the opportunity to attend college and to take challenging curriculum in high school. This program helps to ensure both.

Mr. HARKIN. I agree wholeheartedly with you on the importance of ensuring that all students are exposed to challenging courses that lead them on a positive track towards further education, and that teach critical skills that can be practically applied even if the student does not continue their education immediately. While it is certainly just one piece of the puzzle when it comes to strengthening the academic offerings and outcomes for all students, including disadvantaged students, the AP program is something I think we should all be able to agree on supporting.

Mr. BINGAMAN. I also want to share my thanks for the Committee's attention to the benefits of Internet-based AP programs, particularly in rural and Native American areas of the country. As technological capacities at schools increase, there is every reason to utilize such tools to deliver high-quality programs like AP courses through distance methods, especially in schools where the student population is too small or location is too remote to sustain a great deal of variety on-site. I look forward to working with you and the Administration to expand support for these kinds of innovative means of advanced instructional delivery to our rural and Native American schools.

Mr. SPECTER. I agree that Advanced Placement programs can be extremely valuable in raising standards in high schools and helping high school students to be better prepared for postsecondary education. I am glad that we were able to provide an increase in funding for this program and, in conference with the House, I will make every effort to work with the Conferees to maintain funding for this program.

SMALLER LEARNING COMMUNITIES FUNDING IN LABOR HHS APPROPRIATIONS BILL

Mr. BINGAMAN. Mr. President, I wanted to take a moment to reiterate my hope that the conferees on the Appropriations Committee will consider restoring funding for the Smaller Learning Communities program under the Fund for the Improvement of Education. Last 7ear $45 million was appropriated for what has been a very important initiative an the President has requested $120 million for FY2001. I strongly believe that we must continue—and indeed increase—our support for this program. As this appropriations bill goes to conference, I hope that you and your fellow committee members will decide to meet the President's request.

A number of research studies in recent years have documented the value of small schools and smaller learning communities, and the Bank Street College of Education just last week release a new study called ''Small Schools: Great Strides,'' which unequivocally confirms what we knew from earlier research—namely, that small schools help students succeed. This particular study examined the 150 or so small schools that were founded between 1990 and 1997 in Chicago, and tracks their progress through 1999. In these elementary schools of fewer than 350 students and these high schools of fewer than 400 students, the positive trends encompass everything from diminished violence to higher grade point averages and attendance rates. Of course, small size alone does not translate into these positive changes, but it certainly does foster the atmosphere of closeness and community that is conducive to the kinds of progress that our parents, teachers, and students are seeking.

Based on studies of high school violence, researchers have concluded that the first step in ending school violence must be to break through the impersonal atmosphere of large high schools by creating smaller communities of learning within larger structures, where teachers and students can come to know each other well. We really cannot wait for more tragedies of students shooting students or teachers before we act to fix the situation.

And just as important, particularly in our search for what works to improve student achievement, is that smaller school size also positively impacts learning. Research demonstrates that small schools outperform large schools on every measure of student outcomes, including grades, test scores, attendance, and graduation rates. In the Bank Street study, nearly twice as many students enrolled in smaller learning communities contained within larger high schools scored at or above national norms in reading compared to their peers. This impact is even greater for ethnic minority and low-income students.

In addition, smaller learning communities enhance the school experience for both teachers and students—research shows that smaller schools generate greater community and parental involvement, and a more engaged and enthusiastic staff. Research also shows that students at smaller schools are more likely to participate in extracurricular activities, and in a greater variety of activities—because everyone is needed to fill out the teams, clubs, and offices, even shy and less able students are more likely to participate and develop a sense of belonging.

Furthermore, contrary to what some may think, small schools can be created cost effectively. Larger schools can be more expensive because their sheer size requires more administrative support, and because small schools have higher graduation rates, the actual cost per graduating student is lower than at large schools.

I certainly hope that we do not turn our backs on this initiative, which we already know from research is a worthwhile investment that has real impact on school climate and student safety, as well as on student morale and achievement.

Mr. HARKIN. I thank the Senator for sharing your knowledge on this research-proven method of educational reform. As we make the difficult decisions about what should be funding priorities for the Federal government in the vast expanse of options, we certainly do need to be acutely aware of what has been demonstrated as having measurable positive impact on real students. As we move to conference on this appropriations bill, I will encourage everyone to consider the good that smaller learning communities can do for all students, including those for whom just a little extra attention and sense of belonging can mean the difference between violent outbursts as a cry for help and successful completion of high school with goals for the future.

Mr. SPECTER. Senator BINGAMAN has made some very valid points with respect to the research on small schools. In conference with the House, I will make every effort to work with the Conferees to provide adequate resources for the smaller learning communities program.

RURAL HEALTHCARE NEEDS

Mr. BURNS. I would like to engage my colleagues from Pennsylvania and Iowa on a couple of issues relating to the Fiscal Year 2001 Labor, Health and Human Services, and Education Appropriations bill. Access to healthcare in Montana is often inadequate. I would like to focus on a couple of projects that must be addressed in the state in order to address some immediate rural healthcare needs. The first is a mobile health clinic. St. Vincent Hospital in Billings has partnered with Ronald McDonald House Charities to operate a mobile health clinic in Eastern Montana. They hope to begin operating this clinic later this year. This mobile health clinic will focus on providing preventive health care to children at no cost in small rural communities. These communities are in dire need of medical services. Mr. Chairman, Mr. HARKIN, this is no small matter—31 Montana counties are designated as ''medically underserved'' by the Health Resources Services Administration (HRSA). Twenty-three percent of Montanans lack access to a primary health care provider.

Mr. SPECTER. I understand the Senator's concerns and agree with him about the unique healthcare needs and problems with access in rural areas.

Mr. HARKIN. As a Senator from Iowa, I understand quite well the challenges to access to care posed in rural states.

Mr. BURNS. The second concern is the fact that there is a need for additional dental hygienists, but Montana is the only state without a dental hygiene education program. There are currently 333 active licensed dental hygienists in Montana. A survey of all Montana dentists and dental hygienists

was conducted late in 1996 which indicated a need for additional hygienists to fill current and future vacancies. The lack of a dental hygienist in a practice reduces the number of hours the dentist is available to deliver care only he or she is able to perform. Licensure as a registered dental hygienist in Montana requires graduation from an accredited dental hygiene program of either two or four years. Montana's only dental hygiene education program was closed in 1989 at Carroll College. Since that time efforts to open a new program have been unsuccessful, but are ongoing. Montana students desiring hygiene degrees must travel out of State. Of the current 28 students at Sheridan Community College in Wyoming, half are from Montana. Montana has fewer dentists per capita than the U.S. average. Many communities, especially rural areas, are losing dentists (to retirements and other factors). A large percentage of Montana dentists are expected to retire in the coming decade, while the number of available dental school graduates has been declining. With two-thirds of Montana's active dentists age 45 years or older and more than a quarter over age 55, concerns over the effect of retirement in coming years has grown. If a dental hygiene program were established in Montana, hygiene graduates would be available to perform hygiene tasks which presently are being performed by dentists. This would free the dentists to perform diagnosis and treatment services which only the dentist is trained to provide. The establishment of this program would be of vital importance to eliminating the strong prevalence of under-served areas in Montana.

Mr. SPECTER. We have rural states in need of programs which improve both access and quality of care. I believe these projects are worthy, and I will consider them during the conference agreement. I appreciate your bringing these issues of my attention.

Mr. HARKIN. I understand the nature of the problem in Montana requires attention. I thank the Senator for bringing these issues to my attention. Chairman SPECTER and I will give them consideration during conference.

LEAP FUNDING

Mr. REED. Mr. President, I rise to engage Senators SPECTER and HARKIN in a colloquy regarding funding for the Leveraging Educational Assistance Partnership (LEAP) program.

First, I want to commend Senators SPECTER and HARKIN for numerous education funding increases in the Labor, Health and Human Services, and Education Appropriations bill. There are tough budget pressures facing Senators SPECTER and HARKIN, and they have done tremendous work on this bill. In particular, I am pleased that they have increased funding for the Leveraging Educational Assistance Partnership (LEAP) program to $70 million.

LEAP, a federal-state partnership, is vital to our efforts to help needy students attend and graduate from college. In fact, without this important federal incentive, many states would never have established or maintained their need-based financial aid programs.

Over the past three years, I have worked with Senator COLLINS and others in the Senate to restore, revamp, and increase funding for LEAP. This year, the Senate Labor, Health and Human Services, and Education Appropriations bill provides $70 million for LEAP. While this funding level is less than the bipartisan request that I submitted with 32 of my colleagues, it is a significant increase over current funding and the President's request. This would be the biggest boost for the program in some time, and, as such, I decided not to offer an amendment to further increase funding for LEAP.

However, I am concerned that during Conference with the House, which has once again zero-funded the program, LEAP will not remain at the Senate's $70 million funding level. This concern is also shared by the higher education community, which strongly supports the Senate's $70 million for LEAP. Would the Chairman yield for a question?

Mr. SPECTER. I would yield to the Senator from Rhode Island.

Mr. REED. I thank the Senator. Does the Senator share my concern about maintaining the Senate's $70 million for LEAP and is the Senator's intent to fight for this level in Conference?

Mr. SPECTER. I share the Senator's support for our Subcommittee's funding level for LEAP and will work during Conference to preserve it.

Mr. HARKIN. I would also like to voice my support for preserving the Subcommittee's funding level for LEAP.

Mr. REED. I thank my colleagues, and I yield the floor.

THE ROLE OF HUMAN FACTORS RESEARCH IN REDUCING MEDICAL ERRORS

Mr. BINGAMAN. Mr. President, will the Chairman yield for a question?

Mr. SPECTER. I will be pleased to yield.

Mr. BINGAMAN. First, I want to compliment the Chairman and the Ranking Member of the Subcommittee on their hard work in producing this bill for the consideration of the Senate. I would also compliment the Committee for addressing the medical errors issue. Medical errors account for as many as 98,000 deaths each year making it the 5th leading cause of death in America. It is therefore appropriate that the Committee has recommended an allocation of $50 million to the Agency for Healthcare Research and Quality (AHRQ) to focus on ways to reduce medical errors.

Mr. REID. Mr. President, I also want to express my support for the efforts outlined in this bill to reduce medical errors. It is my hope that these measures will set us on the path of constructively addressing this troubling issue.

Mr. BINGAMAN. In hearings before the Health, Education, Labor and Pensions Committee we heard expert testimony regarding the contribution to increased safety made by human factors research in industries such as defense and aviation. This field of research maximizes the efficiency and accuracy of the interface of humans with equipment, technology and the workplace environment.

Does the Chairman view human factors as a field of research that could make an important contribution toward reducing medical errors?

Mr. SPECTER. I thank the Senator from New Mexico and the Senator from Nevada for highlighting this matter. Yes, the field of human factors research clearly is a field that can make an important contribution toward reducing medical errors. I am also aware that the National Academy of Sciences has developed an expertise in this field and I would urge the Agency for Healthcare Research and Quality to call on the expertise of the National Academy of Sciences as it addresses the medical errors issue.

Mr. BINGAMAN. I thank the Chairman for his response.

Mr. KENNEDY. Mr. President, I know that Senators SPECTER and HARKIN worked diligently to craft a bill that could gain broad support. But during the floor debate, Republicans weakened this bill in critical ways that shortchange children in their education, subject hundreds of thousands of American workers to ergonomic injuries, and promote a sham patients' bill of rights.

I urge the Senate to reject this bill, and I urge the President to veto it if it reaches his desk. America's schoolchildren, workers, seniors, and everyone with health needs deserve a much better bill.

Republicans' very first order of business in debating this bill was to delay the Department of Labor's proposed protections against ergonomic injuries. Hundreds of thousands of American workers will continue to suffer these injuries if this bill is enacted. The companies that Republicans are helping in this bill have had years to study and respond to the overwhelming evidence that ergonomic standards improve worker safety. Yet these special interests continue to oppose these protections. This is unacceptable, and it alone warrants a veto of this bill.

Debate on many other parts of this bill fell into a regrettable pattern. Time and again Democrats came to the floor with proposals to improve schools, improve health care, or improve conditions in the workplace. Republicans rejected the amendments, because the amendments didn't allow room for the massive tax breaks they want, and the amendments were defeated.

Republicans think they've already done enough for the health and education of the American people. Democrats insist that more can be done and

should be done. That is a fundamental difference between the two parties.

The amendments that Democrats proposed to this bill highlight the obvious needs that the nation should be meeting.

The health of senior citizens is needlessly at risk, because they don't have affordable and dependable prescription drug coverage under Medicare.

Public schools across the country are literally falling apart. They need help in repairing their crumbling facilities and modernizing their classrooms.

One of every five children in the nation still lives in poverty. They lack educational opportunities at every step of the way from birth through college. They deserve a fair chance to do well in school—to go to college—to have a productive life and career.

The high-technology training needed to prepare the nation's workforce for the future economy is out of reach for millions of Americans.

Democrats want to do more to solve these problems. But again and again, our Republican colleagues refuse to act. Their refusal raises a fundamental question of priorities that the American people will decide in November if this impasse continues.

We have a budget surplus of $1.9 trillion over the next ten years. We can afford more than token efforts to improve education, health care, and working conditions for the nation's families. We need major improvements in current law—and we can afford them. They should be a high priority.

How long will we ignore the 20 percent of the nation's children who live in poverty? How long will we ignore the third of senior citizens who have no prescription drug coverage? How long will we send children to crumbling schools? How long will we refuse to address the hundreds of thousands of ergonomic injuries suffered by workers each year? Now is the time to deal with these festering problems.

In fiscal year 2001 alone, a $49 billion surplus is now projected. All of the priorities I have described can be accommodated for a small fraction of this amount—and they should be accommodated. If we are ever going to make serious investments in the education of the nation's children, now is the time.

The record prosperity we are now enjoying also gives us an opportunity to save many more lives through better access to health care. It gives us an opportunity to modernize Medicare by adding a life-saving prescription drug benefit for senior citizens. It gives us an opportunity to provide many more children with a decent education and enable them to become full participants in the new economy. It gives us an opportunity to make every workplace safer, and to provide millions of workers with the skills they need in this rapidly growing high tech economy.

We can do all this, and also provide responsible tax relief for the vast majority of our citizens. Democrats support targeted tax relief for the nation's families, not the excessive and irresponsible tax breaks for the wealthy that our Republican colleagues insist on.

The Republican estate tax relief bill alone would cost $105 billion in the first ten years, and $50 billion a year after that. It's the ultimate tax break for the wealthy. Its relief goes to the wealthiest 2 percent of Americans—those who have prospered most in our record-breaking economy—those who have no trouble affording education for their children, health care for their families, or the prescription drugs they need.

Other Republican tax breaks now pending in the Senate would cost a total of $711 billion over the next ten years, exploding to even higher costs in the following years. George W. Bush has proposed tax cuts that would consume the entire $1.9 trillion budget surplus projected over the next ten years.

If Republicans are willing to give even slightly less to those who already have the most, we will have more than enough resources to dramatically improve education and health care for all Americans.

The American people should be very clear on this issue. The Republican tax breaks are too extreme. They are keeping the nation from meeting its high priority needs in education, heath care, the workplace and other vital areas. These needs can be met, if Congress has the will to meet them. As we head into the final weeks of this year's session, I urge my colleagues to do a better job of meeting these all-important priorities.

The anti-labor rider that Republicans attached to this bill on ergonomics, combined with the failure to fund education priorities in class size and school construction, would be enough alone for me to vote against this bill. But yesterday, Republicans added yet another offensive provision—a sham patients' bill of rights.

Republicans went on record in favor of weak health care protections for Americans. And even those weak protections cover only a small fraction of the number of people who need protection. The Republican plan contains ineffective appeal procedures. These defects are the reason why the GOP plan is strongly opposed by all medical and nursing organizations and hundreds of patient groups and consumer groups across the country. Only the insurance industry supports the Republican plan, because it's a plan that only an HMO could love.

This flawed bill should be defeated. The American people deserve far better than this.

• Mr. MOYNIHAN. Mr. President, I am pleased to see the New-York Historical Society mentioned in the Committee Report to the Labor-HHS Appropriations bill. The Society is a wonderful New York institution that has outstanding collections and runs outstanding educational programs. One such program would soon bring to the general public one of the nation's most extensive collections of Revolutionary War materials; documents, manuscripts, artifacts, and works of art. Tied to the collection will be a program that will tie in with social studies and history classes across the nation.

The key components of this effort are digitization of primary documents and museum objects to make them available on the World Wide Web and workshops for teachers to be held at the Historical Society to show creative approaches to interpreting history using documents and artifacts. Video conferencing will make teacher workshops available around the country as well.

Published school curricula and resources kits based on the Society's Revolutionary collections will be available to teachers as well. There will also be an interactive web site for teachers and students, a linkage of the Society's library and museum collection databases, providing one unified source of information on the collections. The Society also hopes to develop a 30 minute interactive video in English and Spanish available in the Society headquarters and on the web. Finally, hand held scanners will give visitors instant electronic access to information about the collections as they are viewed and access to related websites.

Mr. President, the Historical Society has wonderful plans for its future. I hope we are able to assist with what is truly a project of national scope when we finalize this bill during the coming months.•

Mr. McCAIN. Mr. President, this appropriation bill contains funding for many critical and quite frankly, essential programs benefitting many segments of our society. This appropriation vehicle supplies important funding directly benefiting American families and senior citizens while also providing important assistance to our most important resource, our children.

This appropriation bill provides funding for helping states and local communities educate our children. Additionally, it provides the necessary funds for supporting our scientists dedicated to finding treatments, if not cures, for many of the illnesses which plague our nation. This bill also provides funds for ensuring our nation's most vulnerable—our children, seniors and disabled have access to quality health care. In addition, it provides the monetary support for important programs assisting working families needing assistance with child care, adult day care for elderly seniors and Meals on Wheels.

These are many important programs funded through this bill that help so many vulnerable citizens that I am even more frustrated to find this bill laden with directives and accounting gimmicks. I am particularly disappointed that this bill redirects $1.9 billion from the State Children's Health Insurance Program, S–CHIP, to assist in funding other programs and

projects. This is simply wrong and is nothing more than an accounting gimmick at the expense of the health of America's children. In addition, I am concerned about the significant reduction in Social Services Block Grant, SSBG.

I applaud the committee for including very few specific funding earmarks but am distressed about the extensive list of directives that have been included. It is apparent that the plethora of directives and strong committee language are intended to camouflage the number of specific projects that are being provided special consideration and bypassing the appropriate competitive funding process. The list of set asides contained in this bill are so extensive that I will not burden the chamber with listening to me list each one individually. Instead, I will highlight just a few of the violations of the appropriate budgetary review process. These include:

Language encouraging consideration of efforts by the University of Pittsburgh Medical Center Health System, UPMC-HS, to implement a state-of-the-art Health System wide project to electronically store and provide all clinical and administrative information in a secure and automated manner.

Language encouraging additional funds for the Pine Ridge Indian Reservation in the southwestern corner of South Dakota which has a high incidence of alcohol addition.

Language encouraging consideration of a program at the Center Point, Inc. which provides low-cost, comprehensive drug and alcohol services to high risk families and individuals in the San Francisco Bay area.

Language directing consideration of sufficient funds to continue West Virginia's Injury Control Training and Demonstration Center at the same level as last year.

Language directing consideration of the Lewis and Clark College's Life of the Mind Education initiative that develop an educational programming celebrating the 200th anniversary of the Lewis and Clark expedition and the Louisiana purchase.

The Committee is aware of the following projects that it encourages the Department of Labor to consider supporting:

Workforce Training and Retraining for dislocated and incumbent workers in real manufacturing environment—University of Albany, NY.

Workforce Development project to retain older incumbent workers for Montana workforce—Montana State University, Billings.

University of Alaska/Ketchikan Shipyards training program for shipyard workers.

State of New Mexico—telecommunications job training for dislocated workers.

Clemson University, retraining of tobacco farmers.

While each of these programs may be just and deserving of funding it is appalable that these funds are specifically earmarked and not subject to the appropriate competitive grant process. I am confident that there are many facilities, health organizations, and educational sites around the nation needing financial assistance for their particular programs who are not fortunate enough to have an advocate in the Appropriation process to ensure that their funding is earmarked in this funding bill. This is wrong and does a disservice to all Americans.

Mr. President, so many important programs including those impacting the health and education of our nation depends on the support provided through this bill and yet, we have diluted the positive impact of these programs by siphoning away funds for specific projects or communities which are fortunate enough to have representation on the Appropriation committee.

We must find the courage to discard the spending gimmicks and earmarks contained in this bill during conference and provide the much needed financial support for education, work training, children, health care, research and senior programs.

Mrs. MURRAY. Mr. President, the Labor, Health and Human Services appropriations bill is meant to address the needs of our nation's most precious resource, our people. When a Labor, HHS bill is properly funded, it ensures the health of our families, the education of our children and the safety of our workers. Unfortunately, the bill before us falls short and I will vote against it.

In March, I expressed my concerns that the Congressional Majority was not sufficiently funding this part of the budget.

Today, in June, we can see specifically how those shortcomings will impact the American people. While this bill does make some specific gains in key public health programs, the overall picture is lacking.

While I am pleased with some parts of this bill, I am voting against it because it does not make the necessary commitments to public health, worker safety, and reducing class sizes. We have a surplus and we can invest in key programs like education, health care, job training, and work place, but instead we are guided by a spending plan that places a greater emphasis on irresponsible tax cuts.

Before I outline the specific reasons for my vote, I do want to thank the Chairman for his hard work on this bill. He has been given an impossible task, and he has still been able to make some key investments in vital health initiatives like the National Institutes of Health, NIH, our efforts to reduce medical mistakes, and efforts to expand medical services in rural areas through the use of telemedicine.

When it comes to funding the NIH, the additional $2.7 billion allocated in this bill is clearly a sound and wise investment. Unfortunately, we have not made the same investment in other important health care access and prevention programs, but I am committed to working with the Chairman to maintain this level for NIH.

We also need to ensure that all public health agencies receive the same level of commitment and support. Without the work and programs of CDC, HRSA, and FDA, research funded from NIH will never make it to patients.

We also need to show the same commitment to prevention programs and health care access programs that we have shown to NIH. What we sometimes forget is the number one killer in this country is cardiovascular disease, a disease that we can do more to prevent.

Another highlight of this bill is its support for innovative solutions to prevent medical errors. The $50 million to fund new projects to reduce medical mistakes is essential if we hope to implement effective, constructive solutions. I believe this new funding will provide support to hospitals and clinics to automate drug dispensing to reduce fatal errors from prescription drugs not administered correctly. It will ensure that we utilize ''best practice'' standards when implementing automation into hospitals and will allow the expansion of current efforts at the Veterans Administration to reduce medical mistakes. The Institute of Medicine's report on medical errors clearly illustrated what was wrong in our health care delivery system. Fortunately, this Appropriations bill provides the funding to help us avoid medical mistakes.

I also want to thank the Chairman for his support of telemedicine efforts. For rural communities in Washington state, expanding and enhancing telemedicine is an important part of ensuring access to quality, affordable health care. I appreciate the Chairman's support of my request for Children's Hospital in Seattle to support a telemedicine project.

I would be remiss if I did not congratulate the Chairman and Ranking member for their efforts on behalf of women's health care. The pending LHHS Appropriations bill does address many of the gender inequities in research and access. The Chairman has also provided an increase for the CDC Breast and Cervical Cancer Treatment Act to expand the Wise Women program to additional states, including Washington state. This important screening program would allow for the screening of breast and cervical cancer as well as heart disease. It builds on the success of the breast and cervical cancer screening program to offer greater access for low income women.

Clearly, there are some good elements of this bill. Unfortunately, the lack of overall investment in public health undermines these provisions. The bottom line is that the overall commitment made to the LHHS and Education programs has been short changed in order to provide massive tax cuts for the few. The priorities of

the FY01 Budget Resolution simply do not reflect the priorities of working families.

Another problem with this bill is it does not protect America's workers. Today, we have one of the lowest unemployment rates in our nation's postwar economy. We have jobs that cannot be filled, but we also have workers who cannot find jobs because they lack the training and necessary skills. Dislocated workers are a resource we simply have not tapped and the funding levels in this bill do not allow for the necessary investment in these programs.

This bill also does not allow OSHA to issue an ergonomics standard, even though ergonomic injuries are the single-largest occupational health crisis faced by men and women in our work force today.

I am also disappointed that this bill does not fund the President's efforts to ensure pay equity. This bill does not give the Department of Labor and the Equal Employment Opportunity Commission the tools it needs to enforce wage discrimination rules.

In addition, this bill does not guarantee that classrooms across America will be less crowded next year. While I appreciate the Chairman's efforts, the funding level is not adequate to meet our goal of hiring 100,000 new teachers to reduce classroom overcrowding. In addition, the structure of the funding does not guarantee that the funds will be used to reduce classroom overcrowding.

This is a national priority, and we should direct this investment to reducing class size. If we do not continue to honor our commitment to classroom overcrowding, we will have failed to give students the tools to learn the basics in disciplined environment.

I also am concerned that we have doomed this bill to failure if we reject the President's education agenda, which includes a targeted class size reduction program. Not simply throwing more money at the problem, but using limited resources to invest in our children. I will continue to work with the Chairman as I do believe he is trying to work with difficult spending limitations, but we need to improve our commitment to reducing class sizes. This bill does not get the job done.

Finally, Mr. President, I want to express my strong opposition to the Helms Amendment, which would override the choices of thousands of communities and would endanger America's students.

Currently, 23 states allow minors access to confidential family planning and contraceptives. The Helms amendment would override those laws and—in effect—create a new federal parental consent law. Access to safe, confidential reproductive health care services for minors is a major health concern, and various communities have found their own ways to address it.

This is not just about preventing pregnancy. It's about preventing fatalities. AIDS and HIV threaten students today. Unfortunately, this amendment jeopardizes a public health effort to protect these students.

I do want to mention that I was surprised to hear the sponsor of this amendment talk about access to RU–486 in school-based clinics. I would remind my colleague that RU–486 has still not been approved for use in this country. The real issue here is our ability to protect the health of students across America, and the Helms amendment stands in the way of that important priority.

When I look at the Labor, HHS bill, I see a bill that fails America's workers and students. Because this bill does not make the necessary investments in public health, worker safety and education, I am voting against it.

Mr. BYRD. Mr. President, I support the Fiscal Year 2001 appropriations bill for the Departments of Labor, Health and Human Services, Education, and Related Agencies.

This measure increases funding for education programs by $4.6 billion from $37,924,569,000 to $42,594,646,000. This increase includes funds to provide for a $350 dollar increase in the maximum Pell Grant award, up to a maximum of $3,650 dollars. The bill also includes an increase of $1.3 billion for special education programs, raising the total appropriations for such purposes from $6,036,196,000 to $7,352,341,000. Furthermore, for the first time, this bill enables local education agencies to use Title VI funds for school modernization and class-size reduction efforts, if they so choose.

I am pleased that the bill contains over $40 million in funding for the Robert C. Byrd Honors Scholarship program. As the only merit-based scholarship program funded by the Department of Education, this program awards scholarships to high school graduates who demonstrate outstanding academic achievement and have been accepted to attend an institution of higher learning.

The bill includes nearly a million dollars for the continuation of a program to identify and provide models of alcohol prevention and education in higher education. Alcohol abuse is a devastating problem on college campuses across America, and I hope that this program will provide incentives and form the basis for colleges and universities to better address the problem of alcohol abuse on their campuses.

I note that the bill includes a $1.2 billion initiative to address the problem of youth violence, which is also a major national concern. This spring, at West Virginia University, I convened a Youth Summit on Violence that was designed to give young people an opportunity to put forth their ideas on how to reduce violence among their peers. In response to the question, ''What would best prevent violence in the schools?''—the number one response from these young people was to create safe places where they can gather for social activities after school. In that regard, I am pleased that the bill includes $600 million for the 21st Century Learning Centers Program. That very important program supports grants to local education agencies for the purpose of establishing after-school programs.

The bill contains nearly $250 million for the Mine Safety and Health Administration, and an increase of $2.5 million above the President's request for the Mine Health and Safety Academy. This agency is vital when it comes to protecting the health and safety of our nation's miners. The measure also contains $6 million for black lung clinics, which play a critical role in providing medical treatment to coal miners suffering from black lung disease.

Further, the bill includes more than $200 million for the National Institute for Occupational Safety and Health (NIOSH). Important research conducted at NIOSH adds to our understanding of occupation-related ailments and diseases.

In conclusion, Mr. President, I express my appreciation to the Chairman and Ranking Member, Senators SPECTER and HARKIN, for their efforts in putting together this very important funding bill. These two Senators are vastly experienced and knowledgeable when it comes to matters under the jurisdiction of the Labor, Health and Human Services and Education Subcommittee. They have worked on a bipartisan basis splendidly, as is always the case, preparing this Fiscal Year 2001 appropriations bill.

I also wish to express my appreciation to Senators SPECTER and HARKIN for facilitating the inclusion of my amendment into the managers' package. My amendment provides $50 million to the Secretary of Education to award grants to states to develop, implement, and strengthen programs that teach American history as a separate subject within school curricula. The importance of America history is too often undervalued in our nation's classrooms. Poll after poll in recent years has alerted us to huge gaps in historical knowledge among our nation's schoolchildren. It is my hope that this amendment will encourage teachers and students to take a deeper look at the importance of our nation's past.

Again, I wish to compliment the two fine managers of the bill and the Appropriations staff who have assisted them with preparing the bill. I urge my colleagues to support the bill.

Mr. KOHL. Mr. President, I rise in support of final passage of the FY 2001 Labor, Health and Human Services, Education and Related Agencies Appropriations bill. Although I have concerns with the funding levels in some areas, I want to commend Senator SPECTER and Senator HARKIN for again working under difficult budget constraints to put together a good bill that addresses many of our nation's needs.

I am pleased that the bill includes significant increases for many vital

health and education programs. We've invested in our youngest children, by increasing the Child Care & Development Block Grant by $817 million, and by increasing Head Start by $1 billion. The bill also provides much-needed increases for elementary and secondary education, including Title I, Special Education, After-School programs, and Impact Aid. And the bill ensures that more students will have the opportunity to go to college by increasing funding for Pell Grants, Work-Study, and TRIO programs. It is my hope that when we go to conference, we can find more funds to make an even stronger investment in our children's education.

I am also pleased that the bill makes great strides in ensuring access to quality health care. The bill includes a $150 million increase for Community Health Centers, which provide care to many low-income, uninsured Americans. The bill includes a modest increase for nursing home inspections to ensure that elderly and disabled patients receive the highest quality care. And clearly, all Americans will benefit from the $2 billion increase for the National Institutes of Health. This increase in funding for biomedical research will lead us down the path to new treatments and cures for disease.

Despite these important provisions, I have several concerns with the bill that I believe must be addressed in conference. First, I am deeply troubled by the cut in the Social Services Block Grant. My State and counties rely on these funds to provide home care, services for the disabled, and child welfare programs. In Wisconsin, the vast majority of SSBG money goes straight to the county level. Without SSBG funds, our counties have no guarantee they will receive enough money to provide these critical services. I am heartened that Senator STEVENS, Chairman of the Appropriations Committee, has made a commitment to restore these funds in conference, and I look forward to working with him to make that happen.

Second, I believe we must make a stronger investment in programs that serve our nation's seniors. I am very concerned that programs under the Older Americans Act—including Supportive Services and Centers and Nutrition programs—are inadequately funded. I also support the inclusion of $125 million for the Family Caregiver Support Network, which provides support and respite to family members caring for a relative in long-term care. In addition, we must include larger increases for programs that utilize the unique talents of our nation's older citizens, such as the Foster Grandparents and Senior Companions programs. I hope that the conference committee will do what's right and make the necessary investments in programs that serve the elderly.

Finally, I was also disappointed that a provision blocking OSHA from pursuing a rule on ergonomics was included in the bill. This move to include legislative riders on appropriations bills has become a common effort to circumvent the rule making process. In this case, opponents wanted to stop the process before we had a chance to see what the final rule would look like. I believe this effort to halt the rule is premature. There are almost 1.8 million ergonomic injuries every year with 300,000 resulting in lost work days. Workers are suffering through painful injuries every day, and we must do something. OSHA has been working on this issue for ten years, and we should delay it no longer.

Overall, Mr. President, I believe the Chairman and Ranking Member of the Appropriations Committee have done an outstanding job in putting together this bill under difficult circumstances. I am voting for the bill at this point, despite the concerns I have just outlined, because I believe we must move this bill through the Appropriations process. However, let me make clear that these concerns must be addressed before the bill emerges from Conference. I look forward to working with all of my colleagues to improve the bill as the process continues.

Mr. SPECTER. Mr. President, I rise today to raise a very important issue concerning the vital safety-net hospitals in my state of Pennsylvania. As my colleagues are aware, the Medicare Disproportionate Share Hospital program consists of special supplemental payments made to hospitals to offset the costs for providing uncompensated care. I worked closely over the last few years with Pennsylvania hospitals and the Health Care Financing Administration to resolve a dispute concerning the inclusion of a State's General Assistance population as a part of its Medicare Disproportionate Share Hospital (DSH) payment calculation. In August 1998, HCFA asserted that Pennsylvania hospitals were incorrectly including General Assistance (GA) days in their Medicare DSH calculation, and claimed that they should only have included Medicaid days. These payments represent a significant portion of many hospitals' revenues, and any proposed reduction puts the Commonwealth's neediest populations at risk.

The dispute raised further concerns about how HCFA interpreted its own rules and regulations. Medicare fiscal intermediaries had been reimbursing hospitals with the GA days included for the past twelve years. Yet, beginning in mid-1998, HCFA reversed its own intermediaries' interpretation and began recouping the so-called overpayments for certain years, as far back as fiscal year 1993. The impact to Pennsylvania's hospitals would have totaled in the hundreds of millions of dollars.

Indeed, I was encouraged when Secretary Shalala and Administrator DeParle were able to work out a retroactive solution regarding the DSH calculations. As of October 1, 1998, Pennsylvania hospitals stopped including the GA days in their DSH calculations, but since the law was unclear enough for the fiscal intermediaries to have been confused for twelve years, they did not have to give back any reimbursements. I understand that 35 other States had been including General Assistance days in their Medicare DSH calculations, thus the resolution of this dispute was critical for many safety-net hospitals across the nation.

However, Mr. President, it now appears that Pennsylvania hospitals are once again at a disadvantage with regard to their Medicare DSH reimbursements, as HCFA is graying the regulatory area we thought had been clarified last year.

I understand from Pennsylvania hospitals that HCFA is unfairly applying the GA days and Medicare DSH calculation policy across States. Beginning in January of 2000, HCFA began allowing some States which operate under Medicaid Section 1115 waivers to include the GA population in the Medicare DSH calculation, thus significantly increasing those States' DSH reimbursements. Since Pennsylvania hospitals operate under a Section 1915 waiver rather than Section 1115, it has been made clear to them that they cannot count GA populations in their calculations.

I urge my colleagues to join me in my commitment to ensure that HCFA clarifies once and for all how the GA population should be treated under the Medicare DSH program, thus assuring that Pennsylvania and all States will be treated fairly under one uniform and understandable policy.

Mr. SANTORUM. Mr. President, I rise today to address an issue that Senator SPECTER and I have been working on with Pennsylvania hospitals and the Health Care Financing Administration. Since 1998, we have been trying to resolve a dispute concerning the inclusion of a state's General Assistance population as a part of its Medicare Disproportionate Share Hospital (DSH) payment calculation. HCFA asserted in 1998 that Pennsylvania hospitals were including General Assistance (GA) days in their Medicare DSH calculation, when they should only have included Medicaid days. This issue at the time was an enormous concern to the hospitals which provide care to the neediest populations in my state, and this issue remains unresolved today.

Mr. President, this is a matter of fairness and applying the rules and interpretations equally. Medicare fiscal intermediaries had been reimbursing hospitals with GA days included for the past twelve years. In 1998, HCFA reversed its own intermediaries' interpretation and began recouping the so-called overpayments as far back as fiscal year 1993. Since then, Pennsylvania hospitals stopped including the GA days in their DSH calculations.

I now understand that thirty-five other States had been including General Assistance days in their Medicare DSH calculations, and that since January of this year, HCFA began allowing some states which operate under Section 1115 Medicaid waivers to include

the GA population in the Medicare DSH calculation. Pennsylvania hospitals operate under a Section 1915 waiver, and it has been made clear to them that they cannot count GA populations in their calculations.

Mr. President, HCFA appears to be unfairly applying GA days and Medicare DSH calculations across states. I am very concerned that hospitals in Pennsylvania remain at a disadvantage, and I remain committed to working with HCFA to clarify once and for all how the GA population should be treated under the Medicare DSH program.

I appreciate the diligence that my colleague from Pennsylvania, Senator SPECTER, has shown on this matter, and I will continue to work with him toward a satisfactory resolution.

Mr. KENNEDY. Mr. President, I strongly support advanced appropriations for the Low Income Home Energy Assistance Program. Senator WELLSTONE'S amendment continues the funding practice that has existed for years in this program. It enables states to plan ahead for the energy assistance they provide to needy families.

The bill as now written unfortunately ends this current practice. It introduces needless uncertainty into the funding outlook for the future. At this time of high energy prices and budget surpluses, we should strengthen the protection we provide low-income families, not weaken it.

A third of Massachusetts families rely on home heating oil, which nearly doubled in price last winter because inventories were too low to meet the sudden surge in need for heating oil when unseasonably cold weather suddenly arrived. Many families could not deal with this expense. But because heat is a basic necessity for families in New England, they had no choice but to make room in their limited budgets for the soaring cost of heat.

This year, all indications are that once again, heating oil inventories are dangerously low throughout the Northeast. The coming winter may bring price spikes that are even higher than last winter. Natural gas prices are unusually high this year as well, which may well increase demand for heating oil.

We should do more to ensure that adequate inventories of heating oil are maintained in the Northeast. Early in this year, I introduced legislation to do so. But the Energy Committee has not acted on this proposal, and the industry steadfastly refuses regulation as a means of protecting families that rely on oil heat. So we need to focus on other ways to address the problem.

The best defense for families that need reliable, economical heat to survive is to plan ahead to meet their needs. Secretary Richardson has urged consumers to fill their heating oil tanks this summer, while prices are stable, and I join him in strongly recommending this action.

State governments which distribute LIHEAP funds also need to plan ahead, but they need an entire fiscal year to properly plan. They need to plan to set eligibility limits and to distribute benefits. They need to know what level of federal assistance will be available, so they can budget their state assistance accordingly. They also need advance notice so that they can do what most companies do when they buy commodities that are subject to volatile prices—hedge against price surges by purchasing options contracts.

The decision to include advanced appropriations in LIHEAP was made years ago and has been faithfully followed. The current uncertainty in energy markets is the wrong time to inject further uncertainty in LIHEAP funding. That is why I join my colleagues from both sides of the aisle in calling for advance appropriations for this program.

The support made available by this program is literally a matter of life and death for millions of families in Massachusetts and New England. Congress should do everything possible to encourage planning that avoids the supply and price problems that left so many families in the cold last winter, and that threaten our region's economic health.

Mr. DOMENICI. Mr. President, I rise today to discuss the critical importance of mental health research.

The human brain is the organ of the mind and just like the other organs of our body, it is subject to illness. And just as illnesses to our other organs require treatment, so too do illnesses of the brain.

With this in mind, I think that it is appropriate to be discussing the benefits of mental health research as we have just concluded the ''Decade of the Brain.'' During this time we witnessed breakthrough achievements like new medications and brain imaging techniques that have provided innumerable benefits for so many Americans.

Just last year, I dedicated the National Foundation for Functional Brain Imaging at the University of New Mexico. The Foundation's purpose is to advance the development of magneto-encephalography, or MEG, technology that provides real-time imagery of neurons as they operate within the human brain.

As we explore functions of ''normal'' brains, as well as brains of individuals suffering from severe illnesses, we may well be on the brink of exciting breakthroughs for mental illness treatment.

Moreover, one only needs to look at the amazing research being done by the National Institute of Mental Health to realize how far we have really come over the past decade. And finally, the close of the decade gave us the first ever Surgeon General's Report on Mental Health entitled, ''Mental Health: A Report of the Surgeon General.''

However, even with these fabulous advances we must still maintain our vigilance and continue our support for research so even newer and better breakthroughs are made by our nation's researchers.

For instance, about 5 million individuals in the United State suffer from a severe and persistent mental illness. Nearly 7.5. million children and adolescents suffer from one or more types of mental disorders.

There is a final area I would like to touch upon and that is children. While researchers have already made fantastic breakthroughs in the area of mental illness, research for children still remains incomplete.

We must continue the excellent work already being done, like studies seeking to understand the basic mechanisms of brain development and comparisons of effective treatments for specific illnesses.

Additionally, scientists have already established preventive steps that can be taken that are effective: Genes are identified to see if a child has a predisposition to a certain illness and if so monitoring begins. In conjunction with that, a calm environment is sought for the child and early stage drugs are administered if appropriate.

I would submit the key for not only children, but adults is the continuation of research that will allow us to realize even greater breakthroughs that will enable earlier and more accurate diagnoses of a mental illness. And I firmly believe the key to ensuring continued discoveries through our research is to continue providing our nation's researchers with adequate funding.

Mr. KYL. Mr. President, today the Senate is voting on final passage of the FY2001 Labor, Health and Human Services, and Education appropriations bill, H.R. 4577.

This measure includes funding for many good and worthwhile programs: medical research conducted by the National Institutes of Health, a drug-demand reduction initiative, efforts to combat bioterrorism, Pell Grants, Impact Aid, and services for older Americans, to name a few.

The amount of funding allocated to this bill is very generous: $97.8 billion in discretionary appropriations, or about 12 percent over last year's level.

There are very substantial increases provided for particular programs. For example, there is a 12 percent increase for the Occupational Safety and Health Administration, a 13 percent increase for the Ricky Ray Hemophilia Relief Fund, a 15 percent increase for the National Institutes of Health, a 19 percent increase for Head Start, and a 13 percent increase for education.

I believe the OSHA increase, for one, is something that can and should be cut back in conference. If we want to maintain the other large increases, though, we need to find other programs, of lesser priority, to cut in order to moderate the total cost of the bill.

My concern is, as we get to conference, there will be pressure to increase spending even more. We are going to hear a lot, for example, about the need for more funding for the Social Services Block Grant program. If

the amount in the bill for SSBG is going to be increased, we are going to have to find somewhere else to cut. I hope proponents of these increases will keep that in mind as we proceed to conference.

The sky is not the limit here. I am going to support this bill today to get it to conference, but I am not inclined to support a dollar more in the conference report. We have got to do a better job of prioritizing, or we will soon find Congress once again raiding the Social Security surpluses to pay for other government programs.

We just put a stop to that two years ago. We have to honor our commitment to preserve Social Security surpluses for Social Security.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. SPECTER. Mr. President, before moving to final passage, I thank my distinguished colleague, Senator HARKIN, for his cooperation, and our devoted staffs: Bettilou Taylor, Jim Sourwine, Mary Deitrich, Kevin Johnson, Mark Laisch, Jon Retzlaff, Ellen Murray, Lisa Bernhardt, and Allison DeKosky.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote ''yea.''

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. LEAHY) and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

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

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

The result was announced—yeas 52, nays 43, as follows:

{Rollcall Vote No. 171 Leg.}

YEAS—52

Abraham	Coverdell	Harkin
Ashcroft	Craig	Hollings
Bennett	Crapo	Hutchison
Bond	DeWine	Hutchison
Breaux	Domenici	Inhofe
Burns	Enzi	Jeffords
Byrd	Fitzgerald	Kerrey
Campbell	Frist	Kohl
Chafee, L.	Gorton	Kyl
Cleland	Grassley	Lincoln
Cochran	Gregg	Lott
Collins	Hagel	Lugar
Mack	Santorum	Thomas
McCain	Shelby	Thompson
McConnell	Smith (OR)	Thurmond
Murkowski	Snowe	Warner
Roberts	Specter	
Roth	Stevens	

NAYS—43

Akaka	Feingold	Nickles
Allard	Feinstein	Reed
Baucus	Graham	Reid
Bayh	Gramm	Robb
Biden	Grams	Rockefeller
Bingaman	Helms	Sarbanes
Brownback	Johnson	Schumer
Bryan	Kennedy	Sessions
Bunning	Kerry	Smith (NH)
Conrad	Landrieu	Torricelli
Daschle	Lautenberg	Voinovich
Dodd	Levin	Wellstone
Dorgan	Lieberman	Wyden
Durbin	Mikulski	
Edwards	Murray	

NOT VOTING—5

Boxer	Inouye	Moynihan
Hatch	Leahy	

The bill (H.R. 4577), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to say a public thank you to our chairman, Senator SPECTER.

The PRESIDING OFFICER. May we have order in the Chamber. Conversations will please be taken to the back of the Chamber or to the Cloakroom.

The Senator from Iowa.

Mr. HARKIN. Mr. President, in all the years I have been on this committee and also on the subcommittee, which now numbers 16, this is the earliest we have ever gotten this bill finished. If I am not mistaken, this may be the first time that this was not the last bill to be acted on, whether it has been Republican leadership or Democratic leadership.

I thank Senator SPECTER for his great leadership. I thank him for working in such an open and bipartisan fashion with us on this side. I have never had a case where something was done on the Republican side that I didn't know about and that we weren't consulted with every step of the way. I want Senator SPECTER to know how much we really appreciate that.

The working relationship has been great with our staff: Bettilou Taylor, Jim Sourwine, Mark Laisch, Mary Dietrich, Jon Retzlaff, Kevin Johnson, Ellen Murray, and Lisa Bernhardt. Our staff has a great working relationship.

Again, as we now go into conference with the House, I make a commitment to my chairman that we will continue to work in a bipartisan fashion, as we have always, to make sure we can bring back a strong bill.

I think we can be proud of the amount of money we have in education. We have more money in this bill for education than asked for by President Clinton. I believe we are making moves in the right direction. Maybe we vote and disagree here and there in little bits and pieces, but, by and large, what is in the bill for education I think should be a mark and a source of pride for all of us.

I thank Senator SPECTER for his leadership on that side.

The PRESIDING OFFICER. Does the Senator from New Mexico yield time?

Mr. DOMENICI. I would be glad to yield a minute to Senator SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Iowa for those very generous comments. We have a close working relationship. I learned a long time ago that if you want to get something done in this town, you have to be willing to cross party lines.

This bill involving education funding, health funding, and the Department of Labor with job training and worker safety is a good bipartisan result.

Mr. HARKIN. Mr. President, if the Senator will yield, I was remiss. Someone else we have to thank is the chairman of our committee, Senator STEVENS, who worked very hard to get the allocations. When we ran into some problems, he was able to find ways so we could move ahead with this bill, and disregarding some of the problems we had so we could get to conference.

I thank Senator STEVENS for his support of this subcommittee.

Mr. SPECTER. Senator STEVENS did an extraordinary job as we moved through this very tough process. Our distinguished ranking member of the full committee, Senator BYRD, has been a strong stalwart throughout the entire process.

Other Senators are waiting to speak. I have already enumerated the great work done by our staff. I pay special tribute to the staff. Bettilou Taylor has been a very real stalwart.

Mr. STEVENS. Mr. President, I congratulate Senator SPECTER and Senator HARKIN, on my own behalf, and I am sure I speak for Senator BYRD also.

The Senate should know this is the largest health services bill in history. It represents a magnificent contribution and commitment to increasing funding for medical research in particular, and so many other things in general. Both of these Senators have done tremendous work in getting this bill where it is and getting it to the House. I think they really deserve our total congratulations for keeping our commitment to doubling the amount of money available for medical research within 5 years.

Mr. DODD. Mr. President, I rise to express my regret that I was unable to support the Labor/HHS Appropriation bill that was passed by the Senate today. I was initially prepared to offer my support when we began debate on this legislation, however the addition of a number of troubling amendments during consideration of this bill compels me to oppose this bill.

Before I discuss the provisions that caused me to vote against the legislation, I would like to recognize Senators SPECTER and HARKIN as well as the rest of the Labor, Health and Human Services, and Education Appropriations Subcommittee, for their efforts to increase our nation's investments in a number of critical programs that serve our nation's children and families. First, this legislation includes an increase of $817 million for the Child Care and Development Block Grant, bringing total funding for this program to $2 billion and allowing an additional 220,000 children to be served. In my opinion, this new investment in child care represents a significant victory for American families and it is my sincere hope that this provision is retained in conference. I am also pleased that this legislation provides $4.9 billion for the Head Start program, as the President had requested. This funding represents a funding increase of $1 billion over FY 2000.

I also commend Senators SPECTER and HARKIN for providing a $2.7 billion increase for the National Institutes of Health, the largest increase in history. This increase, coupled with a $2 billion increase last year, put Congress on the path toward the goal of doubling our nation's investment in the search for medical breakthroughs over the next five years.

I also applaud the Appropriations Committee's bipartisan education funding increase of $4.6 billion, including a record $1.3 billion increase for special education, as well as increases for Title I grants to schools, teacher technology training, Impact Aid, Reading Excellence, vocational education, school counseling, Pell grants, and other student financial aid programs.

Mr. President, I am particularly pleased that this legislation includes an initiative I worked to advance last year that will serve to protect individuals with mental illnesses from the inappropriate use of seclusion and restraint. I first became aware of the problem surrounding the misuse of seclusion and restraints in 1998 when the Hartford Courant published a five-part investigative series outlining the tragic practice. This series documented 142 deaths over the last decade nationally that were determined to be directly attributable to the inappropriate use of restraint and seclusion. Additionally, the Harvard Center for Risk Analysis estimates that between 50 and 150 restraint-related deaths occur each year nationally, with more than 26 percent of those deaths occurring in children. This initiative will ensure that physical restraints are no longer used for discipline or for the convenience of mental health facility staff by extending to the mental health population a standard that has been shown to be effective in reducing the use of restraints and seclusion in nursing homes. Further, this legislation will require that all restraint and seclusion related deaths be reported to an appropriate oversight agency. In addition, this legislation would require adequate staffing levels and appropriate training for staff of facilities that serve the mentally ill. These safeguards will hopefully prevent further harm to individuals who may be unable to protect themselves from abuse by those entrusted with their care.

Yet, while I recommend the overall increase in education funding, I am concerned about the elimination of funds for critical programs. For instance, the bill ends the bipartisan commitment to reduce class size that has now been funded for two years. S. 2553 transfers the class size funds to Title VI, which eliminates any guarantee that the funds will be used for this purpose, greatly diluting targeting to high poverty schools, and severely weakening accountability for how money is spent. I am also concerned that this bill fails to guarantee funds for the critical area of school modernization. Instead, it increases the Title VI program by $1.3 billion, adding renovation and construction of school facilities as an allowable use of funds. I am pleased that the bill acknowledges the need for federal assistance in helping states and schools with their school modernization needs; however, this block grant approach fails to guarantee that funds will be used for school modernization, and fails to target funds to schools with the greatest needs. I also believe this bill does not go far enough to fund Title I—an important program that provides supplemental programs to enable educationally disadvantaged children. This bill would only increase last year's $8 billion appropriation by $400 million. It is estimated that it would take $24 billion to fully fund this program.

Another area of this bill that is of some concern to me is the investment in after-school programs. The bill's funding level for 21st Century Community Learning Centers is $400 million below the President's request denying 1.6 million children access to before- and after-school programs in safe, drug-free environments. I am disappointed that my amendment to increase spending on this crucial area to $1 billion was not adopted. It is time our funding reflects the importance that parents place on this national priority. With 5 million children home alone each week, after-school programs must not be an afterthought.

I am also very troubled that this legislation now includes a patients bill of rights proposal that offers only the illusion of patient protections. This amendment fails to cover all Americans with private health insurance and fails to offer patients a true right to seek legal redress when they are harmed by an HMO's refusal to provide care. I am also disappointed that the majority refused to support an amendment offered by Senator DORGAN which would have required that any patient protection legislation passed by the Senate cover all 191 million privately insured Americans.

Lastly, I am disappointed that this legislation would delay a proposed ergonomics standard to protect workers from work-related musculoskeletal disorders. Each year more than 600,000 workers suffer serious injuries, such as back injuries, carpal tunnel syndrome and tendinitis as a result of ergonomic hazards. The proposed ergonomics rule promulgated by OSHA can go a long way toward keeping our workers productive and our businesses profitable. I hope that common sense will prevail in conference, and that this and other counter-productive measures will be remedied.

Mr. ABRAHAM. Mr. President, during the debate on the Labor-Health & Human Services-Education appropriations bill for Fiscal Year 2001, Senator DASCHLE offered an amendment relating to genetic testing and the potential for genetics-based discrimination in the workplace.

I was thrilled at the recent announcement of the completion of the human genetic map, and with it, the possibility of the full identification of the more than three billion nucleotide bases that comprise the genome. This knowledge will bring with it limitless possibilities, vastly improving our quality of life and health.

Yet with this knowledge comes great responsibility. For all the good this information can do for us, there is also the potential of great harm and misuse. One of the challenges that faces us even now, is to ensure that genetic information about an individual is not used against him or herself.

Despite my strong conviction that genetic information must never be used to discriminate against an individual, I was unable to support the amendment offered by Senator DASCHLE relating to genetic discrimination in the workplace.

Senator DASCHLE's amendment is, in reality, much more than simply a technical amendment to an appropriations bill. It is a 5-page, far-reaching, broadly written, piece of legislation, which would create an entirely new class of discrimination law, creating inequalities and conflicting with existing law.

This legislation would usurp the jurisdiction of the Equal Employment Opportunity Commission and allow genetic discrimination suits to go directly to the court system. This is highly unusual for discrimination suits and would afford this form of discrimination preferential treatment over any other form of discrimination.

In addition, this bill comes into direct conflict with the Americans with Disabilities Act, ADA. The ADA already captures genetic discrimination—this has been affirmed by the Secretary of the EEOC and the Supreme Court. If we pass a separate bill that preempts the protections already provided for in the ADA, we could potentially be undermining our support for the people covered by those protections. Just to highlight the possible inequalities—the Daschle amendment

would give a genetic marker greater protection than a paraplegic.

Given the drastic and over-reaching changes which would be brought about by the Daschle amendment, especially in a new area such as genetic testing, consideration of this legislation must be deliberate and well-informed.

Yet, there has not been a single hearing on this legislation. In fact, the amendment language was not available for review until only an hour or so before the vote. I believe it would be wrong and even negligent to pass legislation without knowing exactly how it would affect Americans' lives, now and far into the future.

The Senate Health, Education, Labor and Pensions Committee has already planned the first hearing on this matter in July. I am confident, that with careful deliberation and thorough debate, we will succeed in finding the most effective and appropriate way to ensure that no one will have their genetic-information used against them. I am looking forward to the challenge.

• Mr. HATCH. Mr. President, today the Senate passed H.R. 4577, the Labor-HHS-Education Appropriations Act. I would like to congratulate my colleagues, Senator SPECTER, Senator STEVENS, and Senator HARKIN for working together to pass one of the more contentious of the annual appropriations bills.

I appreciate the comity and courtesy displayed by the managers of this bill. I realize that most of my colleagues have specific priorities they wish to highlight in this measure. I appreciate the managers' support of the Inhofe amendment regarding the Impact Aid program. As I have stated in the past, this is a vital program for Utah.

I also appreciate the fact that the subcommittee has once again included a provision which would allow school districts adversely affected by a recalculation of the census to keep their Title I concentration funds.

According to Utahns who live and work and educate our children in these districts, this cut would do a huge disservice to Title I students in these districts. These hardworking Utahns have informed me that they believe that the census calculations do not adequately reflect the pockets of poverty that exist in these districts. Some of the schools in these districts have a poverty rate, when calculated based on school lunch data, at over 70 percent. I am pleased that the subcommittee has accepted the recommendation to hold these districts harmless.

I intend to vote in favor of the Labor-HHS-Education Appropriations bill, but I would be remiss if I did not take this opportunity to note, once again, that a crucial provision in the Title I formula remains unfunded. The Education Finance Incentive Grant Program was authorized in the 1994 Elementary and Secondary Education Act and is included in S. 2, the ESEA reauthorization, currently pending before the Congress.

I recently detailed the merits of this program when I spoke about my intention to offer an amendment to S. 2 that would make EFIG a mandatory component of Title I. I will briefly review those arguments here:

EFIG has, as a principal component, an equity factor, which measures how states distribute resources among school districts. As policy, equalizing resources among school districts has merit well documented in academic literature.

Moreover, many States are being compelled by the courts to equalize resources among school districts. Over 30 states have been taken to court on the basis of an unequal distribution of resources. My amendment would provide some relief to states that are currently required by the courts to equalize resources among school districts by increasing their share of Title I funds. My amendment would also provide the incentive to equalize resources to states which may not have already done so.

The Education Finance Incentive Grant program would be the only part of the Title I formula that does not use the per-pupil expenditure as a proxy for a state's commitment to education. There are many ways to measure a State's commitment to education—the per-pupil expenditure is merely one. Indeed, one of the most damaging aspects of the Title I formula is that it is replicated as a means to distribute Federal money to the states in other programs that have no relation to Title I. The insertion of another measure of a state's commitment to education is appropriate.

When EFIG is a factor in the Title I formula, more states do better than under current law. This was a key factor in the debate over the 1994 reauthorization of the Elementary and Secondary Education Act and why it was the intent during the enactment of the 1994 reauthorization that any additional funds directed to Title I go out through the EFIG. Indeed, it was the reason why a number of Senators voted for the conference report. It is my strongly held conviction that the intention of the 1994 act should be realized, and I will continue to pursue this goal.

I do not believe that the Senate should authorize on an appropriations measure, which is why I did not offer my amendment during consideration of this bill. However, I join with many of my colleagues who have expressed concerns over the possibility that, for the first time in nearly 30 years, the Congress will fail to reauthorize vital elementary and secondary education programs. I sincerely hope that those who have obstructed enactment of S. 2 will reconsider their position and allow the bill to go forward.•

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized to speak as if in morning business.

The Senator from New Mexico.

HAPPY FORESTS

Mr. DOMENICI. Mr. President, I want to speak for a few minutes about a pending national disaster.

Mr. President, I want to discuss something that is unfortunately not part of this fire package. For over a month, I have been working intensely with other Members and the Clinton Administration trying to begin to address a serious problem that in the West has been highlighted in stark terms by the events that happened to the community of Los Alamos in my state, as just one example. What happened to the homes and families of Los Alamos is unfortunately going to happen again unless we, as a Congress, can convince the Clinton Administration to join us in bold and deliberate actions. Throughout the United States there is an increasing amount of land in what natural resource scientists and firefighting experts call the ''wildland/urban interface.'' With more people moving into the West, and more homes being built in communities surrounded by federal lands, neighborhoods like those that burned in Los Alamos are becoming more numerous.

At the same time, as a consequence of decades of fire suppression as well as years of increasing drought, many millions of acres—by the General Accounting Office's estimate, 39 million or more acres—of national forests are at high risk of wildfires. They are in this situation because fuel loads have risen to dangerous levels and forest management has been dramatically curtailed at the same time. The escape of the prescribed fire in Bandelier National Monument, and its subsequent effect on the town of Los Alamos make it clear, as Secretary Babbitt has already conceded, that in many places prescribed fire is not a viable management tool to reduce fuel loads. It is particularly risky to use in the wildland/urban interface because of the presence of homes and families.

Therefore, joined by others Members on both sides of the aisle, I worked over the last few weeks to provide the Administration with both the resources and the tools to begin an accelerated program of fuel reduction in wildland/urban interface areas for communities that are at risk throughout the West. We suggested a number of proposals that the Administration found too hot to handle. For instance, we asked whether the Council on Environmental Quality would designate this an emergency situation and expedite NEPA compliance for hazard fuel reduction activities in the wildland/urban interface. The Administration representatives said no. They felt that this would be too controversial with national environmental special interest groups. They pleaded with us not to pursue this option.

We asked whether they could suspend administrative appeals for these hazard fuel reduction projects. That would eliminate one source of delay. Anyone who wanted to stop one of these

projects could still go directly to federal court. Here again, the Administration said no. They urged us not to propose suspending appeals because it would be met with opposition by national environmental special interest groups.

We suggested the use of stewardship contracts to do fuel reduction work. A stewardship contract is one where the government can trade the value of any merchantable material removed through a fuel reduction project against the cost to the government of the fuel reduction activity. This is an authority that would be very useful, but that the federal government presently lacks. Here again, the Administration felt that there was too much national environmental special interest group opposition to stewardship contracting. They urged us not to pursue this option.

Throughout this discussion we told the Administration that we would be sensitive to their concerns, as long as they would commit to us that they would not treat this crisis in a ''business as usual'' fashion. We weren't simply going to give them more money and say we had resolved the problem when we know that isn't true.

Finally, Senator BINGAMAN and I came to an agreement on the additional tools and resources that we would provide the Administration while being sensitive to their concerns. We wanted to increase fuel reduction activity by $240 million. In the course of doing that, we were going to direct the Secretary of the Interior and Agriculture to use all available contracting and hiring authorities under existing law to do this work. We were also going to provide the Secretaries with authority which they now lack to do some of this work using grants and cooperative agreements. We asked the Secretaries, at their sole discretion, to do this work in a way that would provide jobs to local people, opportunities to private, non-profit, or cooperating entities, such as youth conservation corps, and opportunities for small and micro businesses.

We must begin a serious dialogue throughout the West about the severity of the problem that we face. In order to accomplish this, we directed the Secretaries by September 30 of this year to produce a list of all of the urban/wildland interface communities, within the vicinity of federal lands that are at risk from wildfire. In that list, we asked the Secretaries to identify those communities where hazard reduction activities were already underway, or could be commenced by the end of the calendar year. We further asked the Secretaries to describe by May of next year, the roadblocks to beginning hazardous fuel reduction work in the remaining communities on the list.

It was our view that this would provide an opportunity to commence a very necessary dialogue: (1) among communities at risk, and (2) between the affected communities and the federal land management agencies to gain some consensus on approaching this problem. That was the intent of directing the Secretaries to produce these lists.

It was also our hope that, as communities recognized the degree of risk, they would match some of the federal contributions with their own money and effort. This would get the work done even more quickly.

Regrettably, I must inform the Senate, including Members from western states who have communities at risk, and some burning now, that the Administration rejected our proposal because they thought that ''it might encourage logging.'' Now remember we weren't talking about wilderness areas. And we weren't talking about roadless areas either. Nor were we talking about areas of special significance for ecological or wildlife values. We were just talking about the federal lands adjacent to communities. We were talking about the woods next to subdivisions. We were talking about places like the city of Los Alamos, or people burned out of the Lincoln National Forest in New Mexico. We could have easily have been talking about Santa Fe, New Mexico, or Bend, Oregon, or Sedona, Arizona, or Missoula, Montana. We could have been talking about neighborhoods in each of those cities, and many dozen more scattered throughout the semi-arid, western states.

Even though we were talking about these kinds of areas, the Administration was much too concerned with offending environmental special interest groups to move aggressively and effectively to reduce fire risks because it might involve encouraging logging.

Well this is a tragedy. And it's a tragedy that will be repeated as the summer progresses. It is a tragedy that will probably occur each week until the snow falls later this year.

I want to advise the Senate that when you next look at footage of forest fires on CNN, just remember that the Administration didn't want to address this problem because they were afraid it might encourage logging. When you look at footage on CNN of burned out forests, dead and dying wildlife, and devastated watersheds, just remember that the Administration didn't want to address this problem because they were afraid it might encourage logging. When you see footage on CNN of burned-out neighborhoods, destroyed homes, devastated families and ruined lives, just remember that the Administration didn't want to prevent this problem because they were afraid that by doing so they might encourage logging. And next winter, when you see the first CNN footage of dramatic flash floods in watersheds that were burned-over the previous summer, and you see homes buried in the mud, just remember that the Administration didn't want to prevent that problem because they were afraid it might encourage logging.

And finally, when you're forced to see it up close, when it affects a community in your state, when you're not just watching it on TV, but actually meeting with the citizens of your state who have been burned out of their homes and their neighborhoods—just tell them that the Administration didn't want to prevent the problem from occurring because they were afraid it might encourage too much logging. Just tell them that the Administration didn't want to prevent the problem from occurring because they were afraid of the national environmental groups who claim to want to save the environment. Maybe then the Administration will realize that they should have been afraid of what would happen if they did listen to the national environmental special interest groups.

The publicly owned forests of America are not very happy today. I intended to put on the supplemental bill a provision that I was going to call ''happy forests.'' That is a strange name. But it is either happy forests or it is what we have today. What we have today is a philosophy that seems to say to the forests of our land: Burn, baby, burn. That is the theme.

The administration fears logging and it is frightened to death when anyone suggests something that might sound like ''logging.'' It is all right if they keep their policy not to cut anything going, but it is not all right where the forests of America come in contact with communities. The interface between communities, buildings, churches, and the forests of America is just crying out while waiting for a forest fire that will devour communities and burn down buildings.

I have a city in my state called Santa Fe. Everybody knows of Santa Fe because it is a great place to go. The mayor recently has taken many people to see the forests around Santa Fe and the community. Santa Fe is frightened that their watershed is going to burn down. It is right up against the community and provides its water. That watershed will burn down while the U.S. Government sits in its ivory tower and says don't do a thing that might look like logging, might smell like logging.

Even on this bill that we have before the Senate, which provides emergency fire relief, the administration ended up rejecting, after negotiating for weeks, language that would have helped thin forests to protect communities. This was a small, but very necessary, program. Before we are finished this year, the American people are going to have such a fear about the forests burning down they will support a policy across this land of thinning these forests in the interface with communities and buildings.

We had a fire that cost the Government over $1 billion in Los Alamos, affecting our laboratory and the people that work there, because the Interior Department started a fire, a ''controlled burn'', on a national monument

right next to Los Alamos. They didn't follow the right rules, didn't have the right weather; they did everything wrong. The little fire got to be a big fire and the U.S. Government burned down 48,000 acres, put 400-plus families out of their homes by burning them to the ground. The Cerro Grande fire burned almost $200 million worth of Los Alamos scientific buildings. We are lucky that the whole community didn't burn to the ground.

Sooner or later, we are going to have to get serious and pass the kind of legislation which would have been on this bill. The administration called it a rider. The distinguished newspaper, the Washington Post, today argues against riders on this pending bill. They said one of riders removed encouraged ''timbering.'' I ask the editors to read the language. It did not encourage timbering. It said thin the dangerous forests where communities are at risk, and it provided great limitations. It encourages the use of locals in rural communities, and give jobs to their young people, to clean out the forests in the summer.

This committee of appropriations is willing to get it the program started. This administration said we will veto this whole bill, even as far as defense of our Nation goes, if you put something in that changes the way we are doing things on federal land.

A panel of experts recently visited the watershed of Santa Fe, NM. They made a statement. They are frightened that watershed will burn down because the area hasn't been thinned and nothing is being done to the forest land to keep it from turning into a tinderbox.

I ask unanimous consent to have printed in the RECORD an editorial from the Washington Post and an article from the Santa Fe New Mexican.

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

[From the Washington Post, June 30, 2000]

A DIRTY WATER RIDER

Senior congressional Republicans slid a provision into the supplemental appropriations bill late Wednesday night that would have the effect of blocking a major new clean water regulation. The notion was that the president would have to accept the provision, since the alternative would be to veto a long-delayed bill that he badly wants. The supplemental request, which he sent to Congress last winter, includes the administration's proposed aid to Colombia, support for the military operation in Kosovo and a backlog of domestic disaster relief, including help for victims of Hurricane Floyd, which occurred a year ago.

But our sense is that, if the offending language can't be removed—discussions were continuing last night—the president should veto the bill. Let the onus for the delay in these funds—for support of U.S. troops abroad, for people who have been waiting in line for up to a year for disaster aid—be placed where it belongs, at the doorstep of members of Congress who would hold the money hostage to a furtive cause. The president can make that speech—and should. The administration made a big thing last year of the clean water step it was taking, and it's the right step. In recent days, administration negotiators have knocked four other retrograde environmental riders out of the supplemental bill, having to do with hard-rock mining, timbering, reform of the Corps of Engineers and the opening of a wildlife refuge to development. Four for four is nifty. Make it five.

The regulation in question involves something called total maximum daily loads, or TMDLs. The Clean Water Act has mainly been enforced over the years through a permit system that has reduced pollution from particular major sources—factories, sewage treatment plants, etc. The permitting effort has been a success, but many bodies of water in the country are still dirty—too dirty to fish or swim in, for example. They either have too many sources of pollution nearby or are afflicted by generalized urban and agricultural runoff, which up to now the government has done little to regulate and which is said to account for the majority of remaining pollution.

Where bodies of water are still too dirty, states would be instructed to determine the maximum daily loads they can tolerate and develop plans to ratchet down pollution accordingly. The process would be gradual, and indeed, until recently, some environmental groups were fighting the proposed regulation on grounds it was too weak. Democrats on the Senate Environment and Public Works Committee sent a letter to Senate leaders of both parties yesterday, protesting the late-night insertion of the rider and urging instead an open debate ''in clear public view.'' That's just what ought to happen.

[From the Sante Fe New Mexican, June 28, 2000]

EXPERTS URGE IMMEDIATE ACTION TO EASE FIRE THREAT IN WATERSHED

(Ben Neary)

The federal government should act fast to try to avert catastrophic fire on the watershed that provides nearly half of Santa Fe's city's water supply, a panel of experts reported on Tuesday.

''We've got the fuels, we've got the topography and we've got the ignition sources. It's just a matter of them coming together at the same time,'' Bill Armstrong of the Santa Fe National Forest told a packed auditorium at the State Land Office on Tuesday night.

Armstrong escorted a panel of watershed experts to inspect the 18,000-acre watershed Tuesday. The group ten reported their findings.

''There's nothing like a couple of large clouds of smoke to make everyone scurry around,'' Armstrong said. ''I feel like a rodent on amphetamines here.''

Armstrong had just finished preparing an environmental study calling for thinning the forest in the Jemez Mountains before the catastrophic Cerro Grande fire burned through the area last month and went on to destroy hundreds of homes in Los Alamos.

The Cerro Grande fire was followed closely by the Viveash fire, which narrowly missed burning the Gallinas River watershed, which supplies the city of Las Vegas, N.M., with the bulk of its water supply.

Those fires, with their huge smoke columns visible from Santa Fe, have sparked both city and Forest Service officials to try to step up action on a plan to reduce the danger of fire destroying the Santa Fe watershed.

The Forest Service and the city are working together on a study of how thinning work should proceed.

Actual thinning of trees probably couldn't start until next year at the earliest and likely will continue for five to 10 years, Armstrong said.

Thomas W. Swetnam, director of the Laboratory of Tree-Ring Research at the University of Arizona, was among those who toured the watershed.

Studies of three rings over the past 400 years or so show that fires of low intensity used to burn every 10 years or so. With flames only a few feet high, such fires burned away the grass and underbrush without harming the large trees.

In the 20th century, however, Swetnam said, a new pattern emerged. Heavy grazing by domesticated animals reduced the grass cover in the forests so low-intensity fires no longer were common.

The Santa Fe watershed probably hasn't burned in the past 150 to 200 years, Swetnam said. Such lack of fire has led to unnaturally heavy buildup of dead trees and other material in the forest.

When such an overgrown forest burns—such as in the Cerro Grande fire—the huge flames travel through the tops of the trees, killing them and leaving the landscape denuded.

''The Santa Fe watershed may not burn up tomorrow, or next year or the next five years or so,'' Swetnam said. ''But the Santa Fe watershed is one of the places on the landscape of the Southwest where there is a fairly high urgency.''

Daniel Neary, a soil scientist with the U.S. Forest Service, said catastrophic fire results in soil that for the first year or so won't absorb water. This causes heavy runoff and erosion—both of which would likely hurt the city's water supply and possibly threaten flooding downstream.

Mark Dubois, an assistant professor of Forestry and Wildlife Sciences at Auburn University, said conditions in the Santa Fe watershed are such that it will take a combined approach of carefully controlled burns, thinning and other means to try to reduce the fire danger.

''The central observation I walked away with today is there is not one-size-fits-all,'' Dubois said of the watershed.

Regis Cassidy of the Sante Fe National Forest said there would probably be enough work in thinning the watershed to keep contractors employed for five to 10 years. He said there are perhaps 600 acres where trees could be easily cut, another 2,000 acres where extremely steep terrain would make work difficult and perhaps another 4,500 acres where the terrain is too steep to cut at all.

Some local environmental groups have said they intend to fight the Forest Service plan to thin the watershed, saying they believe the plan amounts to an inappropriate plan to log in sensitive areas along the river. No representative from such groups spoke at Tuesday's meeting, although officials said they had been invited.

Mr. CRAIG. Will the Senator yield?

Mr. DOMENICI. I yield.

Mr. CRAIG. I thank Senator DOMENICI for spelling out so clearly the crisis on the Nation's public lands today.

Yesterday, I held a hearing and I had two regional foresters: A regional forester that largely is in charge of all the forests in Montana, Idaho, Oregon, and Washington; the other forester in charge of all the forests along the Sierra Nevada in California. They admitted yesterday that this President's roadless policy is going to jeopardize 21 million acres of forested lands that are now at high risk to catastrophic wildfires, the very thing the Senator is talking about. Yet this President's policy is to lock it up, walk away, and hope it doesn't burn.

We are talking, as the Senator so clearly spelled out, about thinning and

cleaning—not extensive logging—but clearly changing the environment in a way that fire would not be as destructive as it has been at Los Alamos.

I cannot forget the picture on television, the DA Cat rolling along the fire line in the forests of New Mexico, rolling along the dirt, right down through a riparian area. Why? To put out the fire.

Now, if the proper action had happened the way the Senator spelled it out, that would never have occurred at Los Alamos, with 21 million acres now at risk of catastrophic wildfires as a result of this President's policy.

Mr. KYL. Mr. President, I, too, want to comment briefly on the comments of the Senator from New Mexico. We will have a lot more to say about this in the future because this is a national crisis.

For today, let me simply acknowledge that what Senator DOMENICI and Senator CRAIG have said represents a huge challenge to this Nation. According to the GAO, 38 million acres of forests in the United States are in jeopardy of either dying or burning unless they are quickly treated. We have less than 20 years to accomplish this treatment. It is not only the risk of catastrophic forest fires, including the danger to communities around which these forests are located, but also the prospect that they will die of disease or malnutrition because they are so crowded together that they are competing for the nutrients and the water which, at least in the Southwest, are so scarce.

In the area of Arizona where there has been research into this—now at least half a dozen years of experience—we find that when the areas are thinned and then prescribed burning is introduced, you don't get the catastrophic fire. You do get much better tree growth, more pitch content, so that they are not subject to the beetle infestation, for example, and higher protein content so the grasses can grow on the floor. This brings in more mammals and birds into the area. And the forest returns to the park-like condition that existed at the turn of the century.

There have been a lot of bad policies since then, and a century of activity which resulted in the destruction of the national forests of this country.

The task is huge. We need to get started. I will be supporting the efforts of the Senator from New Mexico and others in trying to ensure that we can literally save our beautiful national forests.

I thank the Senator.

Mr. STEVENS. Will the Senator yield?

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

Mr. STEVENS. The Senator from New Mexico is not only speaking about the forests, but people forget that the forests contaminate the private lands nearby. We warned the Forest Service about the beetle infestation in Alaska and urged that the areas be sprayed and be thinned to prevent that from spreading. I regret to tell the Senate just yesterday I had to have people come and cut down two of our beautiful spruce trees on the little lot I own because I and my neighbors, who are adjacent to the national forest, are totally infested—the trees are totally invested by beetles. The beetles are killing the trees.

All of this could have been prevented. This is the same as wildfires. In fact, beetle kill is worse than wildfires because it totally consumes the future, and it is very difficult to remove these trees.

I commend the Senator. I hope he will reinitiate his proposal. He is correct. Because of the basic problem, all the editorial backlash that was built up against his legislation, we were unable to include that in this bill. But I look forward to working with him this year on this subject to try to force this administration to recognize their responsibility in protecting these national forests and, in doing so, to protect the private property owners nearby.

Mr. DOMENICI. Mr. President, I want to have printed in the RECORD the statutory language Senator BINGAMAN and I worked on that we wanted to incorporate here to get started, which language was denied by threat of the veto. I am not suggesting Senator BINGAMAN agrees with every statement I made on the floor, but one can read the proposed legislation and see that it is very reasonable.

I ask unanimous consent that be printed in the RECORD.

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

Fuels Reduction

At the appropriate place, insert the following new section:

SEC. . PROTECTING COMMUNITIES FROM RISK OF WILDLAND FIRE.

(a) In expending the emergency funds provided in any Act with respect to any fiscal year for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may hereafter conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries. Notwithstanding Federal government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments on Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may hereafter, at their sole discretion, limit competition for any contracts, with respect to any fiscal year, including contracts for monitoring activities, to:

(1) local private, non-profit, or cooperative entities;

(2) Youth Conservation Corps crews or related partnerships with state, local, and non-profit youth groups;

(3) Small or micro-businesses; or

(4) other entities that will hire or train a significant percentage of local people to complete such contracts.

(b) Prior to September 30, 2000, the Secretary of Agriculture and the Secretary of the Interior shall jointly publish in the Federal Register a list of all urban wildland interface communities, as defined by the Secretaries, within the vicinity of Federal lands that are at risk from wildfire. This list shall include:

(1) an identification of communities around which hazardous fuel reduction treatments are ongoing; and

(2) an identification of communities around which the Secretaries are preparing to begin treatments in calendar year 2000.

(c) Prior to May 1, 2001, the Secretary of Agriculture and the Secretary of the Interior shall jointly publish in the Federal Register a list of all urban wildland interface communities, as defined by the Secretaries, within the vicinity of Federal lands and at risk from wildfire that are included in the list published pursuant to subsection (b) but that are not included in paragraphs (b)(1) and (b)(2), along with an identification of reasons, not limited to lack of available funds, why there are not treatments ongoing or being prepared for these communities.

(d) Within 30 days after enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register the Forest Service's Cohesive Strategy for Protecting People and Sustaining Resources in Fire-Adapted Ecosystems, and an explanation of any differences between the Cohesive Strategy and other related ongoing policymaking activities including: proposed regulations revising the National Forest System transportation policy; proposed roadless area protection regulations; the Interior Columbia Basin Draft Supplemental Environmental Impact Statement; and the Sierra Nevada Framework/Sierra Nevada Forest Plan Draft Environmental Impact Statement. The Secretary shall also provide 30 days for public comment on the Cohesive Strategy and the accompanying explanation.

Mr. DOMENICI. Mr. President, I say to my friends who have spoken to this, there is a novel position in this legislation I think you will like. I am not sure it was not what brought certain environmentalists to the White House, along with some others. There are so many people such as mayors and councilmen in communities who ask us: Look. Right over there are all these dead trees, thousands of dead trees. They say: Why do we leave them there dead? The longer we leave them in that position, they are going to turn more and more into additional fodder for fires. What good do we get out of dead trees, just sitting there?

Actually, what we are going to say when we finally get around to passing this is that the U.S. Government, which owns that property has to, in writing, tell that community why they cannot thin that forest, and what is holding up action. It is going to be interesting. This should become law because, sooner or later, I am going to ask the Senate to vote on it. We ask something that is very understandable and makes common sense.

But you see, if you are holding fuel reduction up for a year and a half for a NEPA statement on land that just has dead trees on it, somebody is going to say: Why don't we hurry up? Why does it take so long?

Getting that information is going to be part of this process of trying to get action. We should be saying to our forests and the communities abutting

them: We want you to live together. We don't want one to burn the other one out. And you cannot promise them that if you do not thin those forests.

With that, I am finished, and I yield the floor.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum in the absence of a leader. He has asked for a quorum until he returns. 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. GRAMM. I ask unanimous consent the order for the quorum call be rescinded so I may simply make a statement as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded so that I may speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

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

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

CHINA NONPROLIFERATION ACT

Mr. LOTT. Mr. President, we have talked a great deal about the need to find a way to consider the China trade bill and also to consider the problem of China nuclear weapons proliferation. Senator THOMPSON has done a lot of work in this area, as have others. He has a bill that he would like to have considered and has agreed for it to be considered freestanding, separate from the China PNTR legislation, and that he would not feel a need—if I could speak for him just momentarily—to offer it as an amendment to the China bill, if we can get it considered freestanding.

So we have worked through that. I have discussed this with a number of interested parties, including Senator DASCHLE, and other members on both sides of the aisle.

Mr. President, I ask unanimous consent that on Monday, July 10, at a time to be determined by the majority leader, after consultation with the minority leader, that the Senate proceed to the consideration of Calendar No. 583, S. 2645, the China Nonproliferation Act. I further ask consent that the bill be limited to relevant amendments. I finally ask consent that not later than 12:30 on Tuesday, July 11, the Senate proceed to vote on passage of the bill, with no intervening action or debate.

Before the Chair rules, I would like to announce that it is my intention, as I have reiterated to the Armed Services Committee, that I will give them the opportunity to consider and, hopefully, conclude the DOD authorization bill. In fact, I am going to try to do a unanimous consent request on that next. We will try to get that Department of Defense authorization bill done—a very important bill—before the August recess.

We are now working on a consent that was outlined last night by the chairman and ranking member. It is my hope that we could get an agreement on that time. If there is a problem with it, we will continue to work to find an agreement where we can remove the nongermane amendments, deal with the Defense amendments, and complete that very important legislation.

So that is my request that I propound at this time.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

Mr. SHELBY. Reserving the right to object.

Mr. REID. Mr. President, I will have to object until Senator BAUCUS arrives. He is on his way. Hopefully, this matter can be resolved very quickly.

He has just walked in the Chamber. Senator BAUCUS is here. He can speak for himself. So until Senator BAUCUS has a chance to——

Mr. LOTT. Others might seek to be recognized on this on their reservation.

Mr. REID. I have my reservation.

Mr. DOMENICI. Reserving the right to object, might I ask the leader a question?

Mr. LOTT. Certainly.

Mr. DOMENICI. I ask the majority leader, you said something about a freestanding nonproliferation bill?

Mr. LOTT. Yes.

Mr. DOMENICI. What is that?

Mr. LOTT. Mr. President, in answer to the question of the Senator from New Mexico, this is legislation that has been developed by Senator THOMPSON. It is the China Nonproliferation Act. Perhaps under the Senator's reservation, he would like to yield to Senator THOMPSON so he could give a brief response to that question.

Mr. THOMPSON. Mr. President, if I might please respond to my colleague.

Mr. DOMENICI. Please.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I say to Senator DOMENICI, this is a piece of legislation that is in response to the continuing array of reports and information that we have concerning the continued proliferation of weapons of mass destruction in which the Chinese are engaged.

As you know, we are in the process of having an extensive national missile defense system debate in this country. Much of the reason for that need is what the rogue nations are doing. Much of what the rogue nations are being supplied with is coming from the Chinese Government and Chinese governmental entities.

What this bill does is provide for an annual assessment. It is China specific. It is an annual assessment as to their level of proliferation activities. If any entities are engaged in those activities, there are certain responses in which our country engages to cut off those entities with regard to dual-use trade, munitions trade, access to our capital market. There is an array of things the President has to choose from to respond to that.

Mr. DOMENICI. I say to the majority leader, I have no objection. I withdraw my reservation.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I have a reservation that maybe the majority leader can clarify, if he will yield for a question.

Mr. LOTT. Mr. President, I would be glad to yield under the Senator's reservation and respond to the question.

Mr. SHELBY. Does this only relate to bringing up the THOMPSON bill and nothing else?

Mr. LOTT. This unanimous consent request only deals with the bill S. 2645, the China Nonproliferation Act. No other issue, no other bill is included in it.

Mr. SHELBY. I have no objection.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I arrived on the floor a little late.

What is the pending business?

The PRESIDING OFFICER. A unanimous consent request by the majority leader is pending.

Mr. BAUCUS. Mr. President, reserving the right to object, my concern is that we are setting the July schedule, albeit part of the July schedule, but without inclusion of a date or time for PNTR. I am very concerned that as we start taking up matters in July—even though it is the THOMPSON amendment—who knows what might intervene. You have reconciliation; you have appropriations bills, and whatnot. Because we do not have a date certain on the request for PNTR, it could very easily slip into September or even a later date.

I know it is very much the intention of the majority leader to bring up the PNTR in July. He has said that many times. And I very much appreciate that. But as I have said personally to the majority leader, I am not so certain that, despite his best intentions, he can totally control whether or not PNTR actually does come up in July.

In addition, the merits of the bill that would otherwise be scheduled to come up after the July recess is very dangerous. I do not think Senators have really had the time to look at the

provisions of that bill, to think through the implications of that bill. It has unilateral sanctions, mandatory—not discretionary—sanctions against China. It is very overdrawn. American companies doing business in China could be sanctioned. It has extraterritorial provisions which are way beyond the ordinary rules of international law. I think it would cause a tremendous strain in the context of PNTR.

My concern is that we are setting the schedule for July, albeit just a part of July, that does not include probably the most important vote that this Senate is going to take up this Congress; that is, passage of PNTR. And until there is a date set for PNTR, I must respectfully object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, we will continue to work with both sides of the aisle to see if this matter can be dealt with in an acceptable way, aside from it being offered as an amendment to the China PNTR bill. I think that would be potentially a large problem because if it were adopted, certainly then that legislation would have to go back to the House, and there is a lot of concern about that.

As far as a time to consider the major bill, the China PNTR, this is an important part of the process in a move in that direction. And until we get this resolved, then it is going to be very hard to focus on exactly what date we could get a vote on the bill.

I must also add that it is true we have a lot of important work to do in July. We have to deal with the very unfair death penalty. We have to deal with eliminating the marriage penalty tax. We have to pass the agriculture appropriations bill. We have to pass the Interior appropriations bill. We have to pass the Housing and Veterans Affairs appropriations bill. We have to pass the Commerce-State-Justice appropriations bill. We have to pass the Treasury-Postal Service appropriations bill. We have a lot of work to do, and none of it is insignificant.

The people's business needs to be taken care of. This is just a part of that process. But I understand the Senator's objection. We will keep working to see if we can find a time and a way to do it.

DEPARTMENT OF DEFENSE AUTHORIZATION

Mr. LOTT. Mr. President, I now have a unanimous consent request that the only first-degree amendments remaining in order to the Department of Defense authorization bill, S. 2549, be limited to amendments that are relevant to the provisions of the bill, and on the finite list of amendments in order to the bill; that these first-degree amendments be subject to relevant second-degree amendments; provided further that the first-degree amendments must be filed at the desk by the close of business on Friday, June 30, 2000.

The PRESIDING OFFICER. Is there objection?

The PRESIDING OFFICER (Mr. BENNETT). The Democratic leader.

Mr. DASCHLE. Mr. President, I will just say, as I indicated last night, we want to work with the majority, with the leader, to accommodate his desire to bring this bill to closure. We are just about there. We are not quite there. I have been talking with one of my colleagues in regard to that particular request. We are not there yet. Unfortunately, I will object.

Mr. LOTT. Before the Senator objects, in the spirit of cooperation that we are working under, I would like to withdraw the request so we can keep working and see if we can get this agreed to today.

Mr. DASCHLE. That would be preferable.

The PRESIDING OFFICER. The request is withdrawn.

Mr. WARNER. Mr. President, this is precisely what I and Senator LEVIN and Senator REID and others have been working on. On our side, as best I can assess, there is one remaining understandable discussion that must take place between Chairman ROTH of the Finance Committee and the distinguished senior Senator from West Virginia, Mr. BYRD. I believe other indications on our side have been fulfilled. I have worked through the morning. I believe they are fulfilled. So if that one remaining issue can hopefully be resolved, we might be able to readdress this today.

Mr. LOTT. Mr. President, it looks as if we are going to be here for quite some time. I believe we will have an opportunity later on in the day to try again. We will certainly do our very best to get this agreed to. It is an important issue. We will do everything we can to come up with a fair agreement.

Mr. BYRD. Mr. President, reserving the right to object, until some understanding is agreed to on the amendment to which Mr. WARNER has alluded, I will object.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. LOTT. Mr. President, if I could turn to the military construction appropriations conference report, that is a very good bill that passed way back in May, I think it was May 18. This important military construction conference report passed the Senate under the leadership of Senator CONRAD BURNS, but from the very beginning, it was a bill that did have some emergency provisions attached to it. We did have the funds for the costs, the money that has been already spent for the defense for Kosovo, and some additional funds for costs associated with that.

Over a period now of almost 6 weeks, there has been a process underway between the House and the Senate on both sides of the aisle to get an agreement on this conference report that included a title II that had the emergency funds for the Kosovo situation, for the Colombia drug war, and also for emergencies associated with Hurricane Floyd, the fires, and other issues.

During the process of the conference, other issues were added. Some issues that were in were taken out. That is the way a conference works. I must confess that I didn't get a look at the final product myself until this morning. I think we actually had access to it last night. We did get access to it. Senators had an opportunity to review that. If points of order need to be made, they can be made. But this is for military construction and for emergencies. We need to get this done. It is already late. There are a lot of people, there are a lot of different reasons for how that happened, but here we are. As majority leader, I have a responsibility to try to bring it to a conclusion and take whatever time that requires.

I will shortly ask unanimous consent that the military construction appropriations conference report come up. I need to inform all Members that if the agreement is not agreed to or a similar version to this that can—if we cannot come up with something that could be entered into by the full Senate, then it would be my intention to call up the conference report and Senators MCCAIN and GRAMM will ask, as I understand it, that it be read. If that is done, it would take some 6 hours, I am told by the staff, to read the conference report. I still hope we can avoid that. If there are problems with the conference report, let's talk about it. If points of order are going to be made, let's do them. We will have time to understand exactly what is in the bill.

I am sure we will hear from Senator STEVENS and Senator BYRD and others who are familiar with the details. That is what it is all about. I realize it is Friday afternoon, but Members have been told for weeks that we would be in session on this Friday and would be having votes.

This is an important vote. All we can do is try to come up with a way that we can have a good debate, but if there is objection to proceeding and insistence that it be read, then we will have to do that. After that there could be a series of votes on points of order and hopefully on final passage.

I want to outline the situation as it now stands. I ask unanimous consent that the Senate now proceed to the conference report and it be considered as having been read. I further ask unanimous consent that following 10 minutes for debate between the two managers, and the chairman and ranking member, Senator GRAMM be recognized to raise a point of order. I further ask unanimous consent Senators STEVENS and BYRD be immediately recognized to make a motion to waive and, following 10 minutes equally divided on the motion to waive, the Senate proceed to a vote on that motion with or without any intervening action or debate. By the way, if we need more time

for debate, I would be glad to accommodate that.

Finally, I ask unanimous consent that if the motion to waive is agreed to, the Senate proceed to an immediate vote on the conference report without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, the conference report before us, I am unhappy to say, makes a mockery out of the budget. In fact, if we adopt this conference report, I think there is no need that we should ever adopt another budget.

This conference report violates every tenet of the budget we adopted. This conference report has two major phony spending shifts where we shift payments from the fiscal year we are appropriating for backwards into year 2000 so that we can spend an additional $4 billion in clear violation of the budget. I am sure you will hear Senator STEVENS saying that the defense of the Nation will be imperiled if we don't pass this bill. Yet while we are providing money to defense through this bill on an emergency basis, this bill takes $2 billion out of defense and gives it to nondefense, a total violation of the budget agreement that we struck.

It is Friday. My wife is waiting at the corner of First and C. But if we look the other way on this bill, then there is no budget, and we are going to totally lose control of spending.

Mr. LOTT. Will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. LOTT. First of all, the greatest argument I have heard for bringing this to conclusion is the fact that the Senator's lovely wife is waiting for his presence to join him in other activities. I am genuinely concerned about that. If we have to read this bill, I would like to urge the Senator to stay here; I will go see Mrs. GRAMM. That is the corner of First and C Streets, I believe? I will meet her, and I will provide her with a very lovely lunch in the Senate dining room.

Mr. GRAMM. I appreciate that. If my wife were a liberal, I would really be nervous.

When she figures out that I am here doing God's work, she is going to figure that the time is better spent than with her.

Mr. LOTT. Speaking of the Lord's work, I suggest that the Lord's work here would be to analyze this legislation. Let's engage in discussion; let's point out where there are problems, if any. Let's hear the other side. If necessary, let's vote. To spend 6 hours reading the bill is not going to advance the cause. I am glad for the Senator to engage in this.

Mr. MCCAIN. I ask the majority leader to yield to me for a comment.

The PRESIDING OFFICER. A unanimous consent agreement is pending. Is the Senator from Arizona reserving the right to object?

Mr. MCCAIN. Yes, I do.

Mr. LOTT. I am glad to respond to a question.

Mr. MCCAIN. Mr. President, I say to the majority leader, we are now doing what we usually do when a pork barrel bill is before us; that is, that national defense and national security are at risk; we will have to withdraw from Kosovo; it will be the end of Western civilization as we know it. We already have something from the Pentagon that says we will have to shut down unit training during the month of September, blah, blah, blah.

So even though in this bill we have, for example, under Kosovo and other national security, Olympic Games support; and even though in the name of ''emergency'' we have a Coast Guard acquisition of a $45 million Gulfstream for the Commandant of the Coast Guard—and I would be glad to pay for his first-class airfare while he awaits that emergency, to help him ride out the emergency situation, even though we have $10 million for the Bering Sea crab disaster, $10 million for a Northeast fishery, $7 million for a Hawaii fishery, and $5 million for an Alaska Sea Life Center. We have covered a good part of those for senior members of the Appropriations Committee who have a coastline.

These are all done in the name of an emergency. I will ask unanimous consent that we take up and pass without objection all of those, including this ''dire emergency'' concerning the Olympic Games support and what is contained in the Kosovo and other national security portions of this bill—I would agree to a unanimous consent agreement that it be taken up and passed, and that the rest of this bill, which is incredibly full of unnecessary, unwanted, unauthorized, unmitigated pork be debated.

There are 47 points of order that can be lodged under this appropriations bill. What do we want to do? We want to take a $19 billion appropriations bill and pass it by voice vote just because we want to go home for the Fourth of July.

I ask unanimous consent that we take the fiscal year 2000 appropriations title I on Kosovo and other national security defense and pass it, and that we take up the rest of this bill for debate on points of order when we return after the recess.

The PRESIDING OFFICER. There is a unanimous consent agreement pending.

Mr. MCCAIN. At the appropriate parliamentary point, I will propound that request.

Mr. GRAMM. Mr. President, reserving the right to object, I will be brief. If we weren't at the end of the session with people on the way to the airport, I think we could have a debate on this issue and we could begin to raise 47 points of order against this bill.

The problem is that people would come in wanting to leave for the recess and basically understand that if they vote to override the points of order, they could go home for a week. Whereas, if they sustain the point of order, they could end up being here for further debate. So I urge my colleagues to allow us to agree that we will allow the bill to come up, waive all of our rights to have it read, and to delay it by other motions, have it come up the day we get back and we will have a debate. If we stay here and ruin everybody's week, we are going to harden hearts. When we get back to this bill—and it will not pass today. This bill is not going to pass today. If we harden hearts, we are going to come back here and spend a week when we might have a chance to work some of these things out, basically, in a strong-worded debate that will serve no interest.

I urge my colleagues to let us step aside, let the bill be brought up, waive reading it, but have it be brought up on Monday when we come back so we have an opportunity to legitimately make our case. If these were little trivial matters, then I would look the other way, swallow hard, and let it go. But these are not trivial matters. This is basically eliminating the entire budget that we adopted. I think if we do that, we are making a mockery out of the whole process. I am not going to do it. So I object.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. I have two things. There is one clarification I wish to make on what Senator GRAMM said. If one of the points of order should be sustained, or if a major one was made and sustained, we would not necessarily have to continue this. This bill then would go back to the House when they return. They would have to take it up and consider it further. I realize there may be multiple points of order. If one were sustained, there might be others.

Look, I understand what Senator GRAMM is saying. I certainly feel very strongly that our budget process should be protected and, if it is violated, there should be an opportunity to address those points of order. I have no problem with that. All I say is I think to read the bill doesn't help anybody's cause. I think we would be better off if we get into a discussion and talk about what is in the bill.

So, again, I am sympathetic with all sides concerned, and I would like to get out from the middle of the crossfire of the ammunition being employed here. At this point, since there is objection, I have no——

Mr. STEVENS. Reserving the right to object.

Mr. LOTT. Mr. President, am I proceeding under leader time?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. STEVENS. Mr. President, I regret deeply that there is a dispute over these items. It is true that there is some money in the bill, and all of the items the Senator from Arizona mentioned, but one, were in the Senate-

passed bill. The Sea Life Center is the only new one. It is a provision to pay a rent for a Sea Life Center, which will close in August unless that can be done. It is a Sea Life Center that has Federal money in it that opened it. If somebody doesn't believe that is an emergency, the right thing is to allow us to vote on it. I am perfectly prepared to muster up 60 votes for that Sea Life Center. I am proud of that Sea Life Center.

I say this to the Members of the Senate. There is not one amendment in this bill that was not presented by a Member who is here. I assume the Members are prepared to vote for the items they told us were emergencies. The Senator from Arizona is well known to be the watchdog of the Treasury and I admire that. I believe we should get on with this business and let's test the votes.

The Senator is right. If there are not 60 votes to establish the emergency designation on this bill, it will be returned to the Senate. But that is going to be the same, whether it is now or 6 hours from now.

I remember so well when one of my former colleagues killed a bill, which we worked on for 7 years, in the last few minutes of a Congress by asking that the bill be read. I have always thought that bills don't have to be read if they are available to Members of the Senate. That used to be the understanding, that they would be read if the bill was not physically on the Members' desks. I will be pleased to put it on every Member's desk now. It has been available since last night. But to have us now go into a reading of the bill—the Senator from Texas says his wife is waiting on the corner. My wife is already in Alaska. I am due there tonight. But the sad thing is that the last plane I could take to make it left at 10 o'clock. I am prepared to stay here all week, if it is necessary.

I have put before the Members of the Senate—and I will ask unanimous consent to print this in the RECORD. It is not fake or a manufactured thing. We have been telling the Senate for days and months that this money had been taken from the operation and maintenance account—the President's action employing troops in Kosovo. He has the right to do that under the act. And the money runs out. On July 5, this new order must go into effect that reduces the actions of our people during the period of maximum training in the summertime. It is not fake. I don't know why anyone would question the statements of the Chief of Staff of the Army.

The bill may not pass today, but it is going to pass before July 5. That is my commitment. If the Senator wants to make a commitment that it doesn't pass today, I will make a commitment that it passes by July 5. I believe we have the capacity to do that. It is the desire to have this bill passed and to have the people of the armed services know the Senate is behind the people in the armed services. It is still a military construction bill, an emergency bill to replace money spent for the operation and maintenance account.

It is a must-pass bill before July 5.

Mr. LOTT. Mr. President, I move that the Senate turn to the conference report to accompany the military construction appropriations conference report.

Mr. GRAMM. Mr. President, I ask that the bill be read.

The PRESIDING OFFICER. The clerk will read.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I make a point of order that I don't think the bill has to be read. The bill is available to all Members of the Senate.

The PRESIDING OFFICER. The point of order is not sustained.

Mr. STEVENS. I appeal the ruling of the Chair.

The PRESIDING OFFICER. The question is, Shall the ruling of the Chair be upheld?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, the Senator from Texas has raised a question about the pay shifts that are assumed in this bill.

The PRESIDING OFFICER. The appeal of the ruling of the Chair is not debatable.

Mr. STEVENS. I withdraw my appeal.

The PRESIDING OFFICER. The motion to proceed is not debatable.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be able to make a statement at this point and that the Senator from Texas be able to speak prior to taking action.

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

Mr. STEVENS. Mr. President, the Senator from Texas has asked that we remove from the bill the pay shifts which we assumed were available to our committee in order to increase the amount of budget authority and outlays that would be used by our committee. The Senator can name them and make sure we are naming them correctly.

Mr. GRAMM. An SSI pay shift of $2.4 billion; a VA compensation pay shift for $1.9 billion; and the third item is moving the defense firewall, which would transfer $2 billion from defense to nondefense.

Mr. STEVENS. Mr. President, at a later date I will explain in full what that means.

But I make the commitment to the Senator from Texas that on the first available vehicle to the Appropriations Committee we will rescind the action that is in this bill adjusting those pay shifts and taking them into account for future use. They were mechanisms to make available funds that would be used in the 2001 bill, and we can and we will have to make adjustments in other ways in the future. But these shifts have been objected to, and they will not be used this year. I can't say they won't be available in another year. They will not be used in connection with fiscal year 2001.

Mr. LOTT. Mr. President, I ask unanimous consent that the reading of the conference report be dispensed with and that a vote occur on adoption of the conference report immediately.

Mr. MCCAIN. Mr. President, I reserve the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Alaska.

I obviously am disturbed about much that was put into this legislation. But I see a $6 billion savings here. So I think it is a reasonable compromise. I intend to put in the RECORD as well as on my web site and many other places some of the really egregious projects that are in this bill. At the same time, this significant savings I think is a very important move.

I will not object.

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

The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4425) ''making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes,'' having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment and the Senate agree to the same. Signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report

The conference report is printed in the RECORD of Thursday, June 29, 2000.

Mr. BURNS. Mr. President, I am pleased to bring before the Senate the Military Construction Conference Report for fiscal year 2001.

The Senate and the House went into conference with very different recommendations for projects and unfortunately, not enough money to go around.

We have worked hard with our House colleagues to bring the Military Construction Conference to a successful conclusion.

This agreement represents a tremendous amount of work and great deal of cooperation between the House and Senate.

Mr. President, the military construction portion of this bill has some points I want to highlight.

We have sought to recommend a balanced bill that addresses key, military construction requirements for readiness, family housing, barracks, quality of life and funding for the reserve components.

In the final conference agreement relating to military construction, we met our goals of protecting quality of life and enhancing mission readiness throughout the Department of Defense.

It provides a total of $8.8 billion in spending, an increase of $200 million over the levels recommended by both the House and Senate, and an increase of $800 million over the President's budget request.

It is my hope that we can move this bill forward very quickly and send it to the President.

Mr. STEVENS. Mr. President, late Thursday, the conference concluded on H.R. 4425, the Fiscal Year 2001 Military Construction Appropriations Act.

When the appropriations committee in the Senate reported that bill, we included a second division, Division B, that provided a series of emergency supplemental appropriations for the Department of Defense, the Coast Guard, and other national defense related activities.

The conferees on this bill, led by the subcommittee chairman, Senator BURNS, addressed both the underlying military construction bill, and an expanded range of emergency supplementary needs.

Upon completing work on the military construction portion, an amendment was offered by myself, Senator BYRD, the House committee chairman, BILL YOUNG, and the House ranking Member, DAVID OBEY.

The amendment addressed fiscal year 2000 funding needs for the Department of Defense, the Coast Guard, wildfire fighting, recovery from hurricanes Floyd and Irene, the Cerro Grande fire in New Mexico, Liheap, and Plain Colombia.

At several critical points, the personal involvement of the Speaker on the House and the Majority Leader in the Senate were invaluable to breaking through disagreements, and achieving completion of our work.

While Senator BURNS will address the military construction portion of the bill, I want to highlight the defense emergency needs addressed in this conference report.

Once again, the President mortgaged the readiness of our Armed Forces by committing troops abroad, without the prior authorization and funding from Congress.

If this bill did not pass this week, the Army faced a genuine calamity, as training, base operations and other critical functions would have ground to a halt.

These funds, provided to sustain the Army through the remainder of this fiscal year, will prevent any interruption or degradation of our Armed Forces.

In addition, the conferees, under the leadership of Representative JERRY LEWIS, chairman of the House Defense Appropriations Subcommittee, responded to several vital defense needs.

The amendment, offered by the four Members I named, provides a total of $11.23 billion in emergency spending for fiscal year 2000.

The amendment also makes several technical changes, pursuant to the budget resolution for fiscal year 2001 adopted earlier this year, concerning changes to pay days, delayed obligations, progress payments, prompt payment, and other matters.

In addition, the amendment permits the Senate Appropriations Committee to allocate the full amount provided in the 302(a) allocation for discretionary spending in the budget resolution. This is the same amount now available to the House Committee.

The amendment also adjusts the Function 050 outlay firewall included in the budget resolution to reflect the actual outlay levels in the Function 050 related bills reported by the House and Senate committees.

I want to especially commend the Chairman of the House Military Construction Subcommittee, Representative HOBSON, and the Chairman of the House Committee, BILL YOUNG, for their cooperation and leadership in presenting this conference report to the House and Senate.

Critical funding shortfalls for fuel, medical care, contract liabilities for Tricare, depot maintenance and intelligence were addressed in the House passed version of the supplemental, and included in this conference report.

Chairman LEWIS' initiative ensured that the readiness and quality of life for our military personnel will be truly enhanced by these initiatives, and provide the right starting point for our work on the conference for the FY 2001 Defense Appropriations Bill when we return from the July 4th recess.

A second important need met in this conference report is for Western wildfire fighting. As we meet here in Washington, fires are burning in several Western States, especially Washington State and my own State of Alaska.

The $350 million provided in this conference report will ensure the Bureau of Land Management and the Forest Service will be able to respond to any challenges we face during what promises to be a dry and hot summer—a truly dangerous situation.

Last month, at the request of the senior Senator from New Mexico, I traveled to the Los Alamos National Laboratories during the terrible fire that afflicted that area.

I saw firsthand the devastation to that community, and the federal facilities, caused by that fire.

Senator DOMENICI has included in this bill a comprehensive authorization bill that provides a claims settlement mechanism for the families and businesses who lost so much in that tragedy.

In addition, this conference report provides $661 million to initiate the claims settlement process and restoration of the federal facilities. These provisions brought to the conference by Senator DOMENICI will start the long recovery process, reflecting the Federal Government's liability for this disaster.

In this conference report, there are also several matters of great importance to my State. I appreciate the willingness of the conferees to consider these items.

Finally, I want to again thank the distinguished Ranking Member of our Committee, Senator BYRD, for his work to complete work on this bill. All the conferees met and worked in a spirit of bipartisan compromise, which is reflected in the conference report before the Senate.

I urge the Senate to adopt this conference report today, so that it can go immediately to the President.

Mr. BYRD. Mr. President, the Senate will soon take up the FY 2001 Military Construction Conference Report. In addition to meeting the military construction needs of the nation, Divisions B & C contain emergency supplemental appropriations for FY 2000 totaling some $11.2 billion.

The supplemental portion of the bill funds a broad array of urgently needed programs. More than $6 billion is provided for the emergency needs of the military. Of that amount, some $2 billion is to cover the cost of our peacekeeping operations in Kosovo; $1.6 billion is to recover increased fuel costs to the military; and $1.3 billion is for health benefits for the military. For the victims of natural disasters, particularly those who suffered the ravages of Hurricane Floyd, some $300 million is provided. And, $350 million is provided in emergency funds to replenish the fire management accounts of the Department of the Interior and U.S. Forest Service. Those firefighting accounts are totally depleted and must be replenished immediately. The bill also provides $600 million in Low Income Home Energy Assistance grants, and more than $600 million is provided to address the costs related to the disastrous fire at Los Alamos, New Mexico.

One of the biggest pieces of the supplemental package is $1.3 billion to fully fund the President's request in support of Plan Colombia. The President's anti-drug initiative is an ambitious effort in support of Plan Colombia, a massive undertaking by the Colombian government to fight the alarming rise of heroin and cocaine production and trafficking in Colombia.

The intent of the President's aid package to Colombia is laudable; but at this point, there remain more questions than answers as to what the impact of this assistance will be. Our efforts in the past have done little, if anything, to deter Colombia's drug lords. The production of cocaine and heroin has skyrocketed. Some analysts are concerned that increased U.S. involvement in Colombia's drug wars will

fuel an all-out civil war in a country already ravaged by guerrilla warfare and paramilitary abuses.

For those reasons, I am pleased that this conference report preserves a provision that I originally added in the Senate Appropriations Committee to place restrictions on future funding for U.S. assistance to Plan Colombia, and to limit the number of U.S. military personnel and U.S. civilian contractors that can be deployed in Colombia to support the counter-narcotics effort.

The Byrd provision requires the Administration to seek and receive congressional authorization before spending any money on U.S. support for Plan Colombia beyond the funding contained in this supplemental package and other relevant funding bills. The President's request for Plan Colombia is fully funded. This provision simply ensures that, if additional funding is requested to prolong or expand U.S. involvement in Colombia's anti-drug campaign, Congress will have the opportunity to review and evaluate the entire program before green-lighting more money.

The goal of my provision is to prevent an incremental and possibly unintended escalation of U.S. involvement in Colombia's war on drugs to the point that the United States, over time, finds itself entangled beyond extraction in the internal politics of Colombia. We cannot ignore the fact that Colombia is embroiled in a civil war, and that narco-guerrillas, who are better-trained, better-financed, and better-equipped than the Colombian army, control much of the country. The government of Colombia is fighting a just, but uphill battle. The United States, in this funding package, is making a major commitment to help Colombia. With the Byrd provision, we are also making a commitment to the people of the United States that Congress will stand guard against this nation's being unwittingly drawn too deeply into Colombia's internal problems.

Mr. President, this Administration has, in the past, registered strong opposition to the Byrd provision. I assure the Senate that we have listened to the concerns expressed by the Administration, and have addressed them. We doubled the cap on U.S. military personnel to 500, as requested by the Pentagon, and tripled the allowable number of U.S. civilian contractors to 300. We exempted funding for on-going counter-narcotics programs covered in other appropriations bills, as requested by the Administration. We addressed virtually every issue raised by the Administration, and I hope that the President is ready to endorse this language.

It is my opinion that the Administration should welcome the spotlight that this provision will shine on the level of U.S. participation in Plan Colombia. The Administration should also welcome the additional safeguards that this language provides to reduce the possibility of unbridled mission creep and unforeseen consequences.

There are some who have expressed concern that this language is too restrictive, and that it will impose too difficult a process to allow the United States to continue its efforts to fight drug production and drug trafficking in Colombia and throughout the region. I believe the process should be restrictive. I do not believe that U.S. assistance to Plan Colombia should be handled on a business-as-usual basis. The political situation in Colombia is too unstable, and the risks to American citizens involved in the counter-narcotics campaign are too high.

That said, my provision is not intended to slam the door on future counter-narcotics assistance to Colombia or to other countries in the region, if such assistance is needed and warranted. The war on drugs must be waged aggressively, both at home and abroad. At this point, the President has requested a specific level of funding, $1.3 billion, to finance a specific program. Congress is providing that funding in this appropriations measure. If this President, or a future President, seeks more money, or seeks to broaden or prolong U.S. involvement in Plan Colombia, we merely ask him to present that request to Congress, and to give Congress the opportunity to review, assess, and authorize the entire program. What we do not want to see is U.S. assistance to Plan Colombia quietly ramped up through regular or supplemental funding bills until we suddenly reach the point of having thousands of U.S. citizens deployed to Colombia, and billions of U.S. tax dollars invested in Colombia's drug war, and no way to extricate the United States from Colombia.

Mr. President, Congress has a responsibility to exercise oversight over programs such as U.S. participation in Plan Colombia. This provision ensures that we will have the opportunity to exercise that oversight, and to make an informed and deliberate decision on future funding for Plan Colombia. It is a wise precaution to include in a package that will underwrite a costly, complicated, and unprecedented assault on a dangerous and determined enemy.

Mr. KENNEDY. Mr. President, the bill before us provides over $1 billion in assistance to Colombia and represents a major increase in our political and financial commitment to the Colombian Government and the Colombian Armed Forces.

Many of us have been deeply concerned about the potential impact of this substantial increase in U.S. military assistance on human rights in Colombia. We have worked with the Senate Foreign Operations Appropriations Subcommittee to include human rights conditions on the aid. I commend Senators MCCONNELL and LEAHY for their leadership on this issue and for preserving the human rights conditions in the final version of the bill. The conditions are fully consistent with the laws and stated policies of the Colombian Government. They are also vital to ensuring that U.S. military aid does not contribute to human rights abuses in Colombia. We look forward to working with the Administration to achieve the Colombian Government's compliance with them.

The first condition requires that armed forces personnel alleged to have committed gross violations of human rights be suspended from duty and brought to justice in the civilian courts, in accordance with the 1997 ruling of Colombia's Constitutional Court. The Colombian Ministry of National Defense has stated that, ''the Commander General of the Military Forces will separate from active service, by discretionary decision, members of the various Military Forces for inefficiency or for unsatisfactory performance in the fight against illegal armed groups.'' Unfortunately, this policy has not been implemented, and there is no automatic process for suspending a member of the Colombian Armed Forces alleged to have violated human rights.

The Colombian Ministry of National Defense has expressed its support for the 1997 ruling of the Constitutional Court. In its March 2000 publication entitled ''Public Force and Human Rights in Colombia,'' the Colombian Ministry of National Defense stated that, ''Colombia has taken very important steps in limiting the jurisdiction of the military justice system. In effect, in 1997 the Constitutional Court concluded that crimes against humanity do not fall under its jurisdiction because it does not relate to the service provided by the Public Force. Such crimes constitute a serious violation of human rights and transgress the duties of armed services. Consequently, the Constitutional Court decided that such crimes be heard by the Ordinary Criminal Courts.''

Unfortunately, the Colombian Armed Forces have grossly misrepresented their record of compliance with this Constitutional Court ruling. They have claimed that 576 human rights cases involving Armed Forces personnel were transferred to civilian courts when, in fact, only 39 cases of human rights violations were transferred—and those cases involved low level officials.

The human rights conditions contained in the bill also require the Colombian Government to prosecute in the civilian courts the leaders and members of paramilitary groups and armed forces personnel who aid or abet them. This provision is also fully consistent with the stated policies of the Colombian Government. In its publication entitled ''Human Rights and International Humanitarian Law Policies,'' the Colombian Ministry of National Defense stated that illegal self-defense groups ''are one of the main offenders of human rights and international humanitarian law.'' In its publication entitled ''Public Force and Human Rights in Colombia,'' the Ministry further stated that the Public Force confronts and combats guerrilla and illegal self-

defense groups ''with the same rigor.'' President Pastrana's ''Plan Colombia'' is quite clear on this issue, stating that ''the Government will not tolerate ties of any kind between any member of the military forces or the police and any illegal armed group or force.''

Regrettably, the State Department, the United Nations, and human rights groups have documented continuing links between the Colombian Armed Forces and paramilitary groups. The State Department Human Rights Report for 1999 stated that the Armed Forces and National Police sometimes ''tacitly tolerated'' or ''aided and abetted'' the activities of paramilitary groups. According to the report, ''in some instances, individual members of the security forces actively collaborated with members of paramilitary groups by passing them through roadblocks, sharing intelligence, and providing them with ammunition. Paramilitary forces find a ready support base within the military and police.'' The report also concluded that ''security forces regularly failed to confront paramilitary groups.'' Human Rights Watch has documented links between military and paramilitary groups, not only in isolated, rural areas but in Colombia's principal cities, and these links involve half of Colombia's 18 brigade-level units.

The Colombian Armed Forces have resisted investigating these links. Instead of investigating a credible allegation of military collaboration with paramilitary groups in a civilian massacre that occurred in the town of San Jose de Apartado on February 19, the Commander of the 17th Brigade filed suit against the non-governmental organization that made these allegations, charging that it had ''impugned'' the honor of the military.

The human rights conditions contained in the bill reflect the Colombian Government's laws and policies and underscore the importance of human rights as a fundamental principle of U.S. foreign policy. Compliance with these conditions is essential if we are to ensure that U.S. military aid does not contribute to human rights abuses in Colombia.

I am disappointed that the conference agreement permits the President to waive the conditions in the interest of national security. However, the inclusion of this waiver authority does not exempt the Administration from responsibility for seeking the Colombian Government's compliance with these human rights conditions. Nor is the waiver an excuse for the Colombian Government not to address the continuing human rights problems in Colombia. I look forward to the good faith application of these important human rights provisions in the implementation of this legislation.

Mr. DEWINE. Mr. President, I rise today to commend my colleagues on the Appropriations Committee who have worked with me, the Senator from Georgia, Senator COVERDELL; the Senator from Florida, Senator GRAHAM; the Senator from Iowa, Senator GRASSLEY; and so many others on the emergency supplemental provisions contained in the Conference Report to the Fiscal Year 2001 Military Construction Appropriations bill. I am especially pleased that the Conference Report contains essential funds to begin correcting resource and funding shortfalls in the U.S. Coast Guard, and vital assistance needed to reverse the deteriorating situation in Colombia—a situation I would like to discuss in just a few minutes.

First, though, let me say a few words about the Coast Guard's current—and precarious—budget situation and how this Conference Report will help keep it afloat—at least for the remainder of this fiscal year. The reality is that our Coast Guard has been forced to cut back on its current services this year and could be forced to cut back even more next year. These reductions make it far more difficult for the Coast Guard to meet its many missions. They put at risk the sustainability of valuable fish stocks in the North Atlantic and Pacific Northwest. They reduce the Coast Guard's capability to stem the flow of illicit drugs and illegal immigration into the United States. And they can work against the Coast Guard's ability to respond quickly to search and rescue situations, which often in fishing grounds and high traffic migrant areas.

As early as last February, the Coast Guard began reducing its operating hours in the air and at sea. In some parts of the country, operating hours have been reduced as much as 20 to 30 percent.

Fortunately, Mr. President, the Conference Report we passed today will carry the Coast Guard through the current fiscal year. In total, more than $700 million is provided to help restore the Coast Guard's aircraft and vessel spare parts supply; cover the cost of rising fuel prices; pay for rising health care costs and quality of life improvements for Coast Guard personnel; and increase by six its fleet of C–130 aircraft—assets critical to the Coast Guard's counter-drug and search and rescue capabilities.

Additionally, the Conference Report includes funding for the replacement of the Great Lakes Ice Breaking vessel—the Mackinaw. As my colleagues from the Great Lakes region know, this replacement vessel is invaluable to avoid disruption of winter-time commerce on the Great Lakes.

This legislation is a step in the right direction, but it is only a step. Our Coast Guard still remains seriously underfunded. We must still address the overall funding problems facing the Coast Guard, which is the task that awaits the conferees to the Transportation Appropriations bill. Unless we address this funding crisis, our Coast Guard will be in the exact same boat—no pun intended—year after year. Ultimately, unless we put the Coast Guard under a far more sound financial footing, we risk compromising the entire Coast Guard apparatus, its routine and emergency operations, training and maintenance functions, and even its safety and commercial missions along our coasts and Great Lakes.

Not long ago, the Senate approved a Transportation Appropriations bill for the next fiscal year that would fund the Coast Guard's operating expenses at a level $159 million less than what it needs to conduct its missions. Mr. President, I understand the Chairman and Ranking Member of the Transportation Subcommittee had to make some tough choices. They had a smaller budget to work with than their counterparts in the House. In fact, the House had $1.6 billion more in its allocation for the Transportation Appropriations Bill than the Senate. This funding disparity needs to be resolved in the upcoming conference.

Mr. President, let me remind my colleagues about the unique importance of the Coast Guard. They are called ''the rescue experts,'' and for good reason. Each year, the Coast Guard responds to 40,000 search and rescue cases and saves 3,800 lives. During the devastation of Hurricane Floyd, the Coast Guard conducted search and rescue missions and delivered drinking water and critical supplies to citizens along the Eastern seaboard. And, following the dramatic floods in North Carolina that resulted from the hurricane, Coast Guard helicopters came in right behind the storm and pulled stranded survivors from rooftops and trees surrounded by the swollen rivers.

The Coast Guard's rescue and response missions are often front page news, but often the untold stories are the emergencies prevented by the Coast Guard. Few people realize that before any cruise ship ever touches the ocean, Coast Guard ship inspectors from its Marine Safety Offices inspect each ship to ensure they are built not just for beauty and recreation, but for safety as well. That's good news for the approximately seven million Americans who embark on cruise ships every year. In fact, the Coast Guard doesn't just inspect cruise ships—the Coast Guard inspects all commercial ships, including cargo ships and tankers.

Of course, I have spoken on the Senate floor on several occasions to highlight the Coast Guard's extraordinary contributions to keep illegal drugs from ever reaching our shores. The scourge of drugs is the primary security threat within this hemisphere. It is a cancer that destroys civil institutions and erodes the sovereignty of nations in the Caribbean and South and Central America.

That is why a number of us here in the Senate and the House worked to provide additional funding in 1998 for the Coast Guard's counter-drug efforts, and that investment has paid off. The following year, the Coast Guard seized 57 tons of cocaine with a street value of $4 billion—that's more than the total operating cost of the Coast Guard.

The Coast Guard's law enforcement skills extends as far as the Middle East, where Coast Guard cutters and tactical law enforcement teams enforce the continuing U.N. embargo against Iraq.

Perhaps one of the Coast Guard's toughest jobs is the day to day enforcement of U.S. immigration law. It is an emotional and gut wrenching mission. It challenges Coast Guard men and women daily to carry out their responsibilities with due regard for the law, human dignity and, above all, safety of human life. It is a tough job. But, day in and day out, the Coast Guard continues to carry out its duties with professionalism and a never-ending commitment to the people it serves.

These are just some of the vital missions that would be undermined if the Coast Guard is not given the resources to sustain its daily operations. In some respects, we have passed that point already. The Coast Guard is at a point that it is essentially cannibalizing equipment for parts, deferring maintenance, and working their people overtime—and this is just to sustain daily operations. This doesn't even take into account the rapidly rising fuel costs, which are exacerbating problems this fiscal year.

At the same time, the Coast Guard has to invest in its future. When compared to 41 other maritime agencies around the world, the ships that make up our Coast Guard fleet of cutters are the 38th oldest. Over the past four years, the Coast Guard has had to spend twice as much money to fix equipment and hull problems. This is not surprising because the older the equipment becomes, the harder it is to maintain. As the need for equipment maintenance increases, so too does the cost of operations. This is a problem that is not the result of mismanagement, but from insufficient funding. And that fact is reflected by this Congress having to use emergency supplemental funding for the Coast Guard two straight years just to sustain normal operations. I think you would agree, Mr. President, that this kind of stop-gap funding process is not the best way to keep an organization running—particularly one of such vital importance to our nation.

I urge the conferees to the Transportation Appropriations bill, in both the House and Senate, to keep these facts in mind as they proceed to conference. Again, the bill we have passed today is a good first step, but it is only that—a step.

Today, the United States Congress took a very important and necessary step toward bringing stability to countries in our hemisphere, and communities in our own country that are caught in the death grip of drug trafficking.

Today, we are sending to the President more than just an assistance package to Colombia—we are sending a blueprint of a partnership with Colombia and other countries in the hemisphere to reduce illegal drug production and distribution. This is partnership among democracies in our hemisphere.

No one denies that an emergency exists in Colombia. The country is embroiled in a destabilizing and brutal civil war—a civil war that has gone on for decades with a death toll estimated at 35,000. The once promising democracy is now a war zone. Human rights abuses abound and rule of law is practically non-existent.

The situation in Colombia today bears little resemblance to a nation once considered to be a democratic success story. But today, the drug trade has threatened the sovereignty of the Colombian democracy and the continued prosperity and security of our entire hemisphere. And, tragically, America's drug habit is what's fueling this threat in our hemisphere. It is our own country's drug use that is causing the instability and violence in Colombia and in the Andean region. When drug deals are made on the streets of our country, they represent a contribution to continued violence in Colombia and in the Andean region.

The sad fact is that the cultivation of coca in Colombia has doubled from over 126,000 acres in 1995 to 300,000 in 1999. Not surprisingly, as drug availability has increased in the United States, drug use among adolescents also has increased. To make matters worse, the Colombian insurgents see the drug traffickers as a financial partner who will sustain their illicit cause, which only makes the FARC and the ELN grow stronger.

A synergistic relationship has evolved between the drug dealers and the guerrillas—a relationship bonded by the money made selling drugs here in the United States. Each one benefits from the other. Each one takes care of the other. This is not a crisis internal to Colombia. It is a crisis driven by those who consume drugs in our country, and a crisis that directly impacts all of us right here in the United States.

It is a crisis that has flourished in part because the current Administration made a significant and unwise policy change in its drug control strategy in 1993. When President George Bush left the White House, we were spending approximately one-quarter of our total federal anti-drug budget on international drug interdiction—spending it either on law enforcement in other countries, on Customs, on the DEA, on crop eradication—basically on stopping drugs from ever reaching our shores.

After six years of the Clinton presidency, that one-quarter was reduced to approximately 13 to 14 percent, a dramatic reduction in the percentage of money we were spending on international drug interdiction.

Fortunately, in the last few years, Congress has had the foresight to recognize the escalating threats in Colombia, and has worked to restore our drug fighting capability outside our borders. In 1998, Congress passed the Western Hemisphere Drug Elimination Act (WHDEA), which not only has begun to restore our international eradication, interdiction and crop alternative development capabilities, it contained the first substantial investment in Colombia for counter-narcotics activities in almost a decade.

Today, we are building on that effort with a more focused plan to eliminate drugs at the source and to reduce the financial influence of drug trafficking organizations on the paramilitaries and insurgents within Colombia. In short, Mr. President, we are reversing the direction of our drug policy for the better. Congress saw what the Administration was doing. We said the policy has to change; we need to put more money into interdiction and source country programs; and that's exactly what we did.

We must not lose sight of why we are providing this assistance. The bottom line is this: The assistance package we put together because Colombia is our neighbor—and what affects our neighbors affects us too. We have a very real interest in stabilizing Colombia and keeping it democratic and keeping it as a trading partner, and keeping its drugs off our streets.

As we consider the great human tragedy that Colombia is today, we must not lose sight of the fact that the resources we are providing to Colombia now are an effort to stop drugs from ever coming into our country in the future. And ultimately, the emergency aid package is in the best interest of the Colombia-Andean region. It is in the best interest of the United States. And, it is clearly something we had to do.

Mr. LEAHY. Mr. President, I want to associate myself with the remarks of the senior Senator from Massachusetts, Senator KENNEDY, who has taken a strong, personal interest in the human rights conditions in the Colombia aid portion of this bill.

Senator KENNEDY and I, with the support of other Senators, both Democrats and Republicans, including some strong supporters of this Colombia aid package, wrote these conditions which passed the Senate on June 22. The Senate version, which passed overwhelmingly, did not contain the presidential waiver that was included by the conferees. There was virtually no meaningful opportunity for most Senators, especially Democrats, to participate in the Conference on the Colombia aid package, and I am disappointed that the waiver was included.

If the Administration had a history of giving the protection of human rights in Colombia the attention it deserves there would be no need for these conditions. Unfortunately, the Administration, as well as the Colombian Government, have consistently misrepresented, and overstated, the Colombian Government's efforts to punish human rights violators. This causes me great concern. There is no need for

the waiver and no justification for waiving these conditions.

Senator KENNEDY has described the situation in detail so I will not repeat what he has said. However, I do want to respond to a couple of the State Department's claims:

The State Department has said that ''dramatic steps have been taken [by the Colombian Government] to deal with the legacy of human rights abuses.'' It cites a change in Colombian law, such that ''military officers responsible for human rights violations are tried in civilian courts.'' That is a gross misrepresentation of what actually occurs. The Colombian Armed Forces have systematically, and successfully, sought to avoid civilian court jurisdiction of human rights crimes by many of its members.

The State Department has also said that ''President Pastrana has stated repeatedly that he will not tolerate collaboration, by commission or omission, between security force members and paramilitaries.'' I am sure President Pastrana, who I greatly admire, has said that. But the reality is that this collaboration has existed for years, and virtually nothing has been done about it. In fact, it is only recently, when pressed, that the Administration and the Colombian Government even acknowledged that it was going on. To date, little has been done to stop it.

This is not to say that the Colombian Government has done nothing to address the human rights problems. It has, and I want to recognize that. But that is no argument for waiving these conditions. Far more needs to be done, especially to punish those who violate human rights.

There is no doubt that the Administration believes that supporting ''Plan Colombia'' is in our national security interests. However, the Administration has also said, repeatedly, that promoting human rights is a key goal of ''Plan Colombia.'' The Colombian Government has said the same thing. If those pronouncements means anything, they mean that it is not in our national interests to provide assistance to the Colombian Armed Forces if the basic human rights conditions in this bill are not met, particularly when the Colombian Government has said these conditions are fully consistent with its own policies. This is not asking too much. These are not unreasonable conditions. To the contrary, they are the minimum that should be done to ensure that our aid does not go to forces that violate human rights. There is no reason whatsoever that the Administration cannot use the leverage of this aid package to ensure that these conditions are met, and I fully expect the Administration to do so.

Mr. WELLSTONE. Mr. President, I rise in strong opposition to the changes that were made to ''Plan Colombia'' in the military construction conference report. As if this body did not originally give enough to the military ''Push into Southern Colombia'' with $250 million, this conference report increases that amount by $140 million, to fund a 390 million dollar first-time offensive military action in southern Colombia.

''Plan Colombia'' has been added to this conference report as an emergency supplemental. We are moving it through this Congress quickly under the guise of a ''drug emergency.'' But, if there is truly a drug emergency in this country, and I believe there is, why are there no resources in this plan targeted to where they will do the most good: providing funding for drug treatment programs at home? And, honestly, if the purpose of this military aid is to stop the supply of drugs, shouldn't some of that aid target the North as well? Something strange and dishonest is going on here.

During our debate over ''Plan Colombia'' I heard over and over again not only how much the Colombian government needed this assistance, but also how urgently it had to have it. I heard over and over again how if Colombia did not get this money now all hope for democracy would be lost, not only in Colombia but also for many other Latin and South American countries as well. This, my colleagues, is a far cry from stopping the flow of drugs into the United States. This, my colleagues, is choosing sides in a civil war that has raged for more than thirty years. And I think the American people deserve to know this.

This massive increase in counter-narcotics aid for Colombia this year puts the U.S. at a crossroads—do we back a major escalation in military aid to Colombia that may worsen a civil war that has already raged for decades, or do we pursue a more effective policy of stabilizing Colombia by promoting sustainable development, strengthening civilian democratic institutions, and attacking the drug market by investing in prevention and treatment at home? I see today that we have chosen the former.

We are choosing to align ourselves with a military that is known to have close contacts with paramilitary organizations. Paramilitary groups operating with acquiescence or open support of the military account for most of the political violence in Colombia today. In its annual report for 1999, Human Rights Watch reports: ''in 1999 paramilitary were considered responsible for 78% of the total number of human rights and international humanitarian law violations'' in Colombia. Our own 1999 State Department Country Reports on Human Rights notes that ''at times the security forces collaborated with paramilitary groups that committed abuses.''

We should support Colombia during this crisis. Being tough on drugs is important, but we need to be smart about the tactics we employ. This conference report decreases by $29 million the aid this Chamber gave to support alternative development programs in Colombia. It cuts by $21 million support for human rights and judicial reform. It also cuts support for interdiction by $3.1 million. Yet, it increases by $140 million funding for the military ''Push into Southern Colombia.'' What are we doing here? Guns never have and never will solve Colombia's ills, nor will they address our drug problem here in the United States.

I reiterate how unbalanced ''Plan Colombia'' is in this conference report. It cuts the good and increases the bad. A more sensible approach would have been to permit extensive assistance to Colombia in the form of promoting sustainable development and strengthening civilian democratic institutions. This would have safeguarded U.S. interests in avoiding entanglement in a decades-old civil conflict, and partnership with an army implicated in severe human rights abuses. Instead, we are funding a military offensive into southern Colombia and denying resources where they would be the most effective: drug treatment programs at home. I am appalled at this strategy.

Mr. GORTON. Mr. President, I oppose the billions of dollars of emergency Fiscal Year 2000 supplemental funding included in the Fiscal Year 2001 Military Construction bill to continue our involvement in Kosovo, and to dramatically escalate our military's involvement in Colombia. While I support the Military Construction provisions in the bill, particularly the worthy Washington state projects specified in the bill, I cannot vote for passage of this measure.

I did not support the President's decision to intervene in the 600-year-old civil war in the Republic of Yugoslavia, and do not support the spending of another $2 billion on this open-ended commitment of our nation's armed forces and taxpayer dollars.

Last week, I actively opposed the President's effort to entangle us in yet another civil war, this time in Colombia. I unsuccessfully sought to reduce the proposed $934 million in funding to $200 million, which would amount to a four-fold increase in spending on our fight against drug-trafficking between Colombia and the United States. This supplemental spending bill now includes even more for Colombia, a total of $1.3 billion. I am afraid this is a mere down payment on the billions more we will be asked to spend in coming years. I refuse to support this launching of yet another never-ending commitment—especially one that the President can neither justify nor guarantee will have even the slightest positive impact on drug trafficking.

The billions included in this bill for Kosovo and Colombia are not only an irresponsible waste of taxpayer funds, they are a dangerous gamble that we will exit involvement in these civil wars with less damage to our fighting men and women, and national dignity than we have in the past.

EB–52 OPTION

Mr. CONRAD. Mr. President, as my colleagues may be aware, in recent

years there has been discussion within the military about modifying or equipping B–52 aircraft with advanced electronic jamming equipment that would allow them to perform a dedicated electronic warfare, or EW, mission. I joined Senator DORGAN in filing amendments calling for a thorough study of an ''EB–52'' option.

Mr. DORGAN. I think it should be noted that operation Allied Force demonstrated that our nation is short jamming assets for even one major war. An ''EB'' version of the B–52 would be a cost-effective solution to the problem, since the aircraft are already paid for. As a matter of fact, I understand that during Operation Allied Force, General Wesley Clark asked if any other platforms could be equipped with offensive electronic gear to augment the overtasked EA–6Bs against Serbia's air defense system, and that an ''EB–52'' variant was under consideration. That concept warrants full consideration, as a supplement to the EA–6B aircraft now in service with the Navy.

Mr. CONRAD. I wonder if the distinguished Chairman and Ranking Member share our interest in the idea of an EW mission for the B–52 and belief that it should be carefully studied?

Mr. WARNER. I certainly do. Our Nation requires additional dedicated EW assets and the B–52 offers great potential in this area. I would bring to the attention of my colleagues that the Defense Authorization Act for fiscal year 2000 called for a study of potential additional EW platforms to supplement the EA–6B. The B–52 warrants careful and thorough analysis, and I have been assured by the Defense Department that it is, in fact, being studied. Senator LEVIN, would you care to comment?

Mr. LEVIN. I appreciate the interest of my friends from North Dakota in the EB–52 and share the sentiments of the distinguished Chairman on this matter. The B–52 is a viable candidate for the EW mission in light of its large payload, intercontinental range, reliability, and airframe maintainability beyond 2040. It is my understanding that it is being studied as a dedicated EW platform candidate and must receive full consideration.

Mr. CONRAD. I greatly appreciate the comments of the Armed Services Committee's distinguished leadership. I am willing to withdraw my amendment in light of assurances that the study is underway and will continue to accord the B–52 full, fair, and thorough consideration as a potential dedicated EW platform.

Mr. DORGAN. I also thank the distinguished Chairman and Ranking Member for their attention to this important matter. In light of their assurances, I, too, will withdraw my amendment, and look forward to working with them to ensure that the B–52 is given a close look for the EW mission during the ongoing study.

Mrs. LINCOLN. Mr. President, with the passage of the emergency supplemental appropriations bill, I want to talk about an important issue to all of my constituents in Arkansas and to private property owners across this country. I thank the appropriators for including language in the bill that will prohibit the Environmental Protection Agency from promulgating or implementing its proposed Total Maximum Daily Load regulations.

In issuing its August 1999 Total Maximum Daily Load regulation, the EPA overstepped its congressionally mandated authority. Congress authorized the EPA to regulate point sources and left it up to the states to regulate non-point sources and develop and implement TMDL plans. In its proposed TMDL regulation, the EPA granted itself authority to regulate these specific items and clearly overstepped its regulatory authority. These changes, while seemingly innocuous, represent a major shift in Clean Water Act authority from the States to the Federal Government at the hands of the Environmental Protection Agency. Congress has the authority to set clean water laws of this country, not the EPA.

I reiterate something I have been saying as often as anyone will listen—these new regulations can easily be summed up in two words—unreasonable and unnecessary.

I understand some of my distinguished colleagues' objections to what seems like legislating on an appropriations bill, but I want to let my colleagues know that I have attempted to use all other avenues to fix this regulation. I completely agree with the EPA's objective of cleaning up our Nation's rivers, lakes, and streams, but firmly believe that this regulation oversteps congressional mandated authority and intent for the implementation of the Clean Water Act.

I assure my colleagues that I have done all that I could to encourage the EPA to back down before we got to this point. I have personally met with the President. I have personally met with EPA Administrator Carol Browner. I have introduced legislation to reassert congressional intent regarding the Clean Water Act. My colleagues and I have held ten congressional Committee hearings, introduced six pieces of legislation on this matter, and held over 20 public meetings around the country that were attended by thousands of property owners.

In Arkansas alone, we have held three public meetings and two congressional field hearings. In El Dorado over 1,000 attended; in Texarkana over 4,000 attended; in Fayetteville over 2,000 attended; and over 1,000 attended in Hot Springs and in Lonoke to learn how this new TMDL regulation would affect their private property and to protest the reach of the EPA into traditional non-point source activities.

We have attempted all available avenues to right this wrong. It was never congressional intent for the EPA to regulate non-point sources or to interfere with States' implementation of TMDLs on its rivers, lakes, and streams.

After all of our efforts to curb this regulation and bring it back into line with congressional intent have failed, we have been left with no other recourse but to restrict the EPA's funding for this TMDL regulation.

This emergency supplemental appropriations bill is a good bill, and it rightly delays implementation of any new, unnecessary and unreasonable EPA regulations until Congress and the States have adequate time to address this issue properly and completely. I urge my colleagues to support this bill.

Mr. BINGAMAN. Mr. President, I would like to thank my colleagues for voting for final passage of H.R. 4425 and for supporting the funding for the Cerro Grande Fire Assistance Act contained in this bill. By working together with Senator DOMENICI and his staff, we were able to quickly put together a piece of legislation that will compensate the many New Mexicans injured by the Cerro Grande fire that raged through Los Alamos and the surrounding forests in early May. Because of the federal government's role in setting what began as a controlled burn in the Bandelier National Park, this legislation was a necessary response from the federal government.

The intensity of the Cerro Grande fire resulted in extraordinary losses for both the residents of Los Alamos and the surrounding pueblos. I am pleased that a compensation fund will now be available for those who lost their homes in the fire, those who were forced to close down their business and those who provided emergency relief to the threatened community. The compensation fund will also be made available for those who suffered other kinds of losses as a result of the fire. This would include aid to the Santa Clara Pueblo to help them restore the thousands of acres they lost to the Cerro Grande blaze. It would also include assistance to the members of the San Ildefonso Pueblo who have suffered economically due to the fire closing down the roads and cutting off the tourist traffic that frequents the pueblo. I'm also glad that we were able to provide funding for the Los Alamos National Laboratory so it can begin to address the damages it sustained as a result of the Cerro Grande fire.

I am very pleased that the Cerro Grande compensation fund will be available shortly so people can get on with their lives and start rebuilding their communities. Once this legislation is signed by the President, FEMA will have 45 days to draft regulations that govern this claims process. I would like to thank FEMA, and especially Director James Lee Witt, for taking on this very large responsibility of handling the fire claims process. He has worked tirelessly to aid disaster victims across this country and I know he will devote the resources necessary to aid the victims of the Cerro Grande

fire. We hope that the regulations governing the claims process will be in place shortly and the victims of the fire can begin settling their claims with the federal government by late summer.

As I thank my colleagues for their support, I would like to particularly thank Senator DOMENICI for his hard work in fighting for this money in the appropriations process. The initial appropriation of $455 million for this compensation fund will hopefully address most, if not all, of the damage caused by the Cerro Grande fire. The amount appropriated is a significant commitment by the federal government and by passing this legislation today, Congress has committed itself to compensating the victims of the Cerro Grande fire for the losses they incurred.

Mrs. MURRAY. Mr. President, I am pleased and relieved that after weeks of uncertainty we have finally reached this point, and that we are ready to act on the Military Construction Bill.

As always, I thank Senator BURNS, the Chairman of the Military Construction Subcommittee for his leadership and bipartisan cooperation. I also want to thank Chairman STEVENS and Senator BYRD for their work in producing this bill. They set an excellent example for all of us to follow.

The FY 2001 Military Construction Appropriations Bill provides $8.8 billion dollars in spending. This agreement also represents a tremendous amount of work and a great deal of cooperation between the House and Senate.

We went into conference with very different recommendations for projects, and simply not enough money to go around. We came out with a bipartisan package that is fair and balanced and, most importantly, addresses some of our most pressing military construction needs. I wish we could have done more because the needs are so significant.

As our nation continues to tally up ever-larger budget surpluses, I hope that the Defense Department will channel more resources into military construction. We simply cannot continue to balance the best military in the world on the back of a crumbling infrastructure. We ask tremendous sacrifices from our military families, and this bill is an opportunity to address their pressing needs.

Mr. President, I would also like to acknowledge the excellent contributions of the Military Construction Subcommittee staff for their many hours of hard work in crafting this agreement.

I also want to make a few brief comments regarding the supplemental appropriations that have been attached to this legislation. I will vote for the conference report but I do so with serious reservations about numerous provisions in the supplemental. It is important to note that the package before the Senate today does not represent the work of the entire conference committee. The conference committee did not meet to consider the supplemental items.

This has not been an ideal process. While this bill provides funding for needed projects and disaster relief, many needs were left unaddressed. Other projects were added that were not part of either the President's supplemental request or the Senate's supplemental provisions.

I am particularly disappointed that this conference report does not include the Senate's language to provide Seattle and other local governments in Washington state with the needed reimbursement funding for last year's WTO meeting. The federal government has not been a true partner is sharing the costs for this event.

I am particularly disappointed with the Congressional Majority, which promised to include this language. Unfortunately, when they met behind closed doors, they chose to neglect our obligation to Seattle. I will demand that the Senate act on this matter before we adjourn this year.

In addition, I continue to have serious reservations about the assistance package to Columbia for counter narcotics activities. I have worked with Senator LEAHY to strengthen the human rights provisions within the bill, and I did vote for both amendments to limit funding to Columbia during the Senate's consideration of the issue. If the Columbia funding were attached to a bill other than Military Construction where I serve as ranking member, I would give serious consideration to voting against the bill.

I also want to note for my colleagues that this legislation provides significant disaster assistance for New Mexico to aid the Los Alamos area in dealing with the recent devastating fire. Senator DOMENICI and Senator BINGAMAN have been very diligent in working with the Senate on this issue.

At this moment, fire crews in Washington state have finally gotten control of another significant fire near one of our country's nuclear weapons facilities. More than 200,000 acres were destroyed by a fast-moving fire on and around the Hanford Nuclear Reservation.

Secretary Richardson is at Hanford today to assess the damage. I have been in contact with Governor Gary Locke and various federal officials to follow the fire developments. While it is too soon to know the extent of the damage, I do want my colleagues to be aware of this serious situation.

Mr. KERRY. Mr. President, I am deeply concerned that the supplemental appropriations contained in this Military Construction Appropriations conference report (accompanying H.R. 4425) do not provide for essential funding for SBA's popular 7(a) guaranteed business loan program.

For nearly 50 years, SBA's 7(a) loan program has provided loans to start and grow small business across the country when they could not access financing in the commercial marketplace. SBA provides this assistance in the form of guaranties for loans made by a network of more than 5,000 private sector lenders. Currently, SBA's 7(a) portfolio includes nearly $40 billion in 7(a) loans representing as many as 150,000 small businesses that might not be in business today were it not for their SBA guaranteed loans. The 7(a) program is funded by user fees and a modest appropriation intended to offset any potential losses on the SBA guaranteed loans. For fiscal year 2000, the taxpayers' cost for a 7(a) loan is only $1.16 for every $1000 guaranteed. And for each $10,000 loaned, at least one job is created.

Despite the tremendous benefits provided by the 7(a) loan program, however, this year the available program level will not be adequate to meet the needs of the eligible, credit-worthy small businesses that will seek assistance from SBA. This means that by the end of the fiscal year the Agency will have to turn away some of the small entrepreneurs that are relying on SBA-guaranteed loans to finance the growth of their businesses. In an environment where small business is responsible for much of the growth in the American economy and most of the new job opportunities, this is penny-wise and pound-foolish.

SBA has funds available that could be transferred to the 7(a) program to help to make sure that every eligible, credit-worthy small business that seeks SBA's loan assistance is able to access the loans that they need. The simple request would allow SBA to use funds that have been previously appropriated to it for the 7(a) program. If any of us were asked whether we support the small businesses in our States—in our districts, we would answer with a resounding ''yes.'' By including language to allow SBA to use existing funds for 7(a) program loans, we will be demonstrating in a very tangible way that our local small businesses can really count on this support.

I don't understand why we, the Congress, continue to deny this simple request that means so much to so many and costs so little. This is nothing unanticipated or given to the Congress at the last minute:

In SBA's FY 2000 request, SBA asked for a program level of $10.5 billion for this program. The SBA only received a program level of $9.75 billion.

The President's supplemental request letter of February 25, 2000 included SBA's request for authority to transfer money to the 7(a) program to raise the program level to the requested $10.5 billion.

When the Administrator testified on the FY 2001 budget in March of this year, she stated that SBA would need the $10.5 billion program level for FY 2000 at the then current demand level.

On May 22, SBA Administrator Alvarez sent letters to Chairmen STEVENS and GREGG expressing her concern that the transfer was not included in S. 2536.

In a letter from Jacob Lew, director of OMB, to Chairman Young, Director Lew mentioned the concern by the Administration of the transfer ability.

Now I am expressing my concern that it is not in H.R. 4425.

Mr. KYL. Mr. President, the Senate is today considering the conference report to accompany the FY2001 military construction appropriations bill, H.R. 4425. The bill includes funding for military facilities and infrastructure, including base improvements, operation and training facilities, barracks and family housing, and environmental compliance.

Attached to the military construction bill is a supplemental spending package for FY2000 that includes funding for anti-drug efforts, including in Colombia, funds to replenish defense accounts that have been drawn down by the Clinton administration to pay for military operations in Kosovo and Bosnia, and funds for disaster assistance, wildland firefighting activities, and administrative expenses associated with repeal of the Social Security earnings limitation earlier this year.

I am pleased that the total cost of the supplemental package was reduced from the original $13 billion proposed by the House to about $11 billion. I want to commend the Majority Leader, Senator LOTT, and the Chairman of the Appropriations Committee, Senator STEVENS, for working to limit the cost of the supplemental package.

I think we could have gone further, though. The bill includes about $600 million for the Low Income Home Energy Assistance Program. I question the need to include that money here. There is $7 million for peanut assessments. There is language in the bill that lifts the firewall that would prevent defense funds from being diverted to certain domestic programs. These are things I would omit from the bill, if I could.

The fact is, though, that the bulk of the supplemental spending is urgently needed, even though some provisions of questionable merit have been included. More than half of the supplemental—$6.5 billion—is required to replenish defense operations and maintenance accounts that President Clinton has tapped to cover the cost of unauthorized military missions around the globe, including in Bosnia and Kosovo. Because O&M accounts have been seriously depleted, we find that we are now on the brink of serious readiness problems in our military if we do not replenish these accounts, and do so quickly.

Mr. President, the firefighting money in this bill—$350 million—like the defense money—is an urgent matter. The Los Alamos, New Mexico, fires have dominated the news, but wildfires this year have consumed more than 25,000 acres in Arizona, as well. Nationwide, over one million acres have burned this year, and we still have several months remaining in our fire season. The money in this bill will reimburse the Bureau of Land Management and the Forest Service for costs incurred in connection with firefighting efforts on the Grand Canyon rim and elsewhere around the country. The firefighting funds have to be allocated.

The bill allots $1.3 billion for counternarcotics activities, including Plan Colombia. That is a start, but we are likely going to have to do even more to help gain control of drug production and distribution from Colombia.

There are several items of particular importance to the state of Arizona that I would like to highlight at this point. First and foremost is language to prevent the Secretary of the Interior from moving forward with a unilateral reallocation of Central Arizona Project (CAP) water. This language is defensive in nature—that is, it is intended only to counter a threat by the Interior Secretary to reallocate CAP water by the end of the calendar year contrary to the terms of Indian water settlements now being negotiated. Water is a precious and scarce resource, and the allocation of CAP water is one of the most important decisions affecting the future of my state. Arizona simply cannot allow the Secretary to reallocate its water merely because he is about to leave office.

The bill includes a $12 million one-time appropriation to be split equally between Arizona, Texas, California, and New Mexico to help cover the overwhelming costs associated with processing criminal illegal immigrants and the significant number of border-related drug cases.

It also includes a one-time, $2 million appropriation for Arizona to assist Cochise County and other affected jurisdictions along the U.S.-Mexican border that are incurring significant costs for local law enforcement and criminal justice processing because of record-breaking levels of illegal immigration and smuggling of drugs and people into the state.

Dr. Tanis Salant, a professor at the University of Arizona, is close to completing a study on unreimbursed costs that occur as a result of increased illegal immigration in the area. He estimates that Arizona's border counties collectively spend $15.5 million to bring criminal illegal aliens to justice. Cochise County spends 33 percent of its overall local criminal justice budget to process criminal illegal immigrants. This does not even include incarceration costs, which are also severe.

Finally, the bill funds important military construction projects in the state:

$2.265 million to improve the readiness center at the Army National Guard's Papago Military Reservation;

$1.598 million for the readiness center at the Guard's Yuma installation; and

$3.35 million for the child-development center at Fort Huachuca.

These were projects that were not identified in the President's budget, but which are important priorities in the state.

As I said early on, there are some things in this bill that I do not support. There is questionable need for some of the military construction projects that are funded. The LIHEAP money should not be included here. Peanut assessments. The breaching of the defense firewall. But it seems to me that the good in the bill outweighs the bad.

Mr. President, I will vote for this bill. We have no choice but to replenish our defense accounts and pay for emergency items, like firefighting and disaster relief.

Mr. L. CHAFEE. Mr. President, I would like to share with my colleagues my views on several items contained within this conference report.

Shortly after becoming a Senator, I was named chairman of the Foreign Relations Subcommittee on Western Hemisphere Affairs. One of the most important matters before our subcommittee this year is the Administration's proposed anti-drug aid package for Colombia. The conference report before the Senate today includes $1.3 billion for this plan.

On February 25, I called the first hearing of my subcommittee to consider the many facets of this package. I must say that at first, I was quite skeptical of providing such a dramatic increase in anti-drug military aid to Colombia. My concerns centered on whether the United States had a comprehensive long-term strategy for this plan, whether this swift and dramatic infusion of military hardware would result in a worsening of the human rights record of the Colombian military, and whether there were assurances that these funds would not be wasted due to corruption.

At our hearing, our subcommittee explored a number of questions about this plan. Key among our witnesses was José Miguel Vivanco, Executive Director of the Americas Division of Human Rights Watch. Mr. Vivanco outlined a report he had just authored documenting the continued links between the Colombian military to the paramilitaries that have been implicated in countless human rights abuses in Colombia. He also touched on the lack of progress in prosecution in Colombia's civilian courts of military personnel accused of human rights abuses.

Two months later, I chaired a meeting of the Foreign Relations Committee with the President of Colombia, Andrés Pastrana. At this meeting, several members of the Committee and other interested Senators were able to discuss in depth with Mr. Pastrana our concerns about this plan. I came away from our meeting fully convinced that President Pastrana is a courageous, reform-minded leader who is committed not only to ending drug trafficking in Colombia, but also to bringing stability, ending violence, and promoting human rights there as well.

I am gratified that concerns such as those raised at our subcommittee hearing and our meeting with President

Pastrana received attention as the House and Senate have considered the Administration's plan. In that regard, the conference report before the Senate today includes several stringent requirements, including a series of conditions on the progress of Colombia's military in addressing human rights abuses; $29 million more than the President's request for human rights and justice programs; a requirement that the U.S. President develop a comprehensive strategy with benchmarks; and additional anti-drug funding to neighboring nations so that this problem is not simply exported out of Colombia.

Although there remain numerous critics who do not support this plan, I would attest that the provisions in this bill are far better than simply appropriating the funds without condition. With these strong provisions included, I support passage of this anti-drug package for Colombia.

However, let's be clear that passage of this plan today is not the end of Congress' consideration of this critical issue. As chairman of the Subcommittee on Western Hemisphere Affairs, I will closely monitor implementation of this aid package to ensure that the conditions enacted by Congress today are carried out responsibly and thoroughly by the Administration.

I would also like to mention a rider inserted by the Conference Committee that would prohibit the Environmental Protection Agency from finishing work on a proposed rule revising the Total Maximum Daily Load (TMDL) program under the Clean Water Act. The TMDL issue is an important policy matter, one with significant consequences for public use of our Nation's surface waters and for many businesses, farmers and others who will be affected by the rule. No doubt, this issue is controversial and merits careful consideration and debate. However, the TMDL provision inserted into the Military Construction and Supplemental Appropriations bill inappropriately transfers the decision regarding the TMDL rule from the Environmental Protection Agency to the Senate and House Appropriations Committees.

This rider is not germane to the underlying bill, was inserted into the Conference Report without any public debate, and cannot be amended. In my view, important decisions regarding environmental policy should not be made behind closed doors and out of public view. This type of backdoor legislating circumvents the legislative process of debate and amendment, and abuses the public trust. By including this language in a conference report that cannot be amended, Senators must either accept the offensive provision, or vote down an appropriations bill containing important funds for disaster relief, humanitarian aid, and national defense.

Since the bill provides critical assistance to people that need help, I reluctantly support its passage.

Mr. MCCAIN. Mr. President, I appreciate the opportunity to address the Senate once again on the subject of military construction projects added to an appropriations bill that were not requested by the Department of Defense. This bill contains more than $1.5 billion in unrequested military construction projects. More importantly, I would like to spend a few minutes discussing the thorough perversion of the budget process by Congress in its relentless pursuit of the other white meat. There is $4.5 billion in pork-barrel spending in this bill, $3.3 billion of that total in the so-called ''emergency supplemental.''

Webster's, Mr. President, defines ''emergency'' as ''a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.'' What we have here is the antithesis of that concept. It is ironic that the emergency spending bill before us today includes $20 million for abstinence education, because the taxpayers are really getting screwed. For months the leadership of this body made a deliberate decision not to act quickly and deliberately with regard to legitimate spending issues involving military readiness and the crisis in Colombia. The decision was made not to treat these essential and time-sensitive activities as expeditiously as possible. Now, after many months and a legislative trail more complicated and illogical than any Rube Goldberg contraption, we are presented with an $11 billion bill replete with earmarks that under no credible criteria should be categorized as ''emergency''—and this is in addition to the over $1.5 billion added to the underlying military construction appropriations bill for strictly parochial reasons.

Mr. President, as everyone here is aware, I regularly review spending bills for items that were not requested by the Administration, constitute earmarks designed to benefit specific projects or localities, and did not go through a competitive, merit-based selection process. I submit lists of such items to the CONGRESSIONAL RECORD, generally prior to final passage of the spending bill in question. In the case of the Military Construction bill for fiscal year 2001, I submitted such a list, along with a statement critical of the process by which that bill was put together, particularly the over $700 million worth of military construction projects added to that bill that were not requested by the Department of Defense—an amount, I reiterate, that was doubled in conference with the rarely fiscally responsible other Body.

This is an institution that has proven itself incapable of passing legislation on an expedited basis that genuinely warrants the categorization of ''emergency.'' Funding for ongoing military operations that strains readiness accounts is a case in point. The one thing, Mr. President, we can pass without hesitation and consideration is money for pork-barrel projects. Just prior to final passage back in May of the Military Construction appropriations bill, the Appropriations Committee pushed through $460 million for six new C–130J aircraft for the Coast Guard—the very aircraft that we throw money at with wanton abandon as though our very existence as an institution is dependent upon the continued acquisition of that aircraft.

That funding and those aircraft are in the bill that emerged from conference with the House. A consensus exists, apparently, that we must have six more C-l3OJs in addition to the ones added to the defense appropriations bill despite a surplus in the Department of Defense of C–130 airframes that should see us through to the next millennium and beyond. Message to parents saving up for little junior's college education: invest in the stock of the company that makes C–130s; the United States Congress will ensure your offsprinq never need student loans.

Compared to the $460 million for the C–130s, it hardly seems worth it to mention the $25 million added to this emergency spending measure for yet another Gulfstream jet, other than to point out that it is manufactured in the same state as the C–130s.

It was reassuring that a compromise was reached on the issue of helicopters for Colombia. It is extremely unfortunate, however, that an issue of life and death for Colombian soldiers being sent into combat to fight well-armed drug traffickers and the 15,000-strong guerrilla army that protects them was predicated upon parochial considerations. Valid operational reasons existed for the decision by the Department of Defense and the Colombian Government to request Blackhawk helicopters, and the Senate's decision to substitute those Blackhawks for Huey IIs was among the more morally reprehensible actions I have witnessed within the narrow realm of budgetary decision-making by Congress.

Specific to the Military Construction Appropriations Act for Fiscal Year 2001, it continues to strain credibility to peruse this legislation and believe that considerations other than pork were at play. How else to explain the millions of dollars added to this bill for National Guard Armories, which, in a typically Orwellian gesture, are now referred to as ''Readiness Centers?'' Whether the $6.4 million added for a new dining facility at Sheppard Air Force Base: the $12 million for a new fitness center at Langley Air Force Base; the $5.8 million for a joint personnel training center at Fairchild Air Force Base, Alaska; the $3.5 million added for an indoor rifle range and $1.8 million for a religious ministry facility at the Naval Reserve Station in Fort Worth, Texas; the $4 million added for the New Hampshire Air National Guard Pease International Trade Port; the $4 million for a Kentucky National Guard parking structure; and the $14 million added for New York National Guard facilities all constitute vital spending initiatives is highly questionable.

Mr. President, there are one-and-a-half billion dollars worth of projects added to this bill at member request. Not all of them, in particular family housing projects warrant criticism or skepticism. There are important quality of life issues involved here. The public should be under no illusions, however, that over a billion dollars was added to this bill solely as a manifestation of Congress' naked pursuit of pork.

As mentioned, far more disturbing than the pork added to the military construction bill is the damage done to the integrity of the budget process by the abuse of the concept of emergency spending. Permit me to quote from the opening sentence from the Washington Post of June 29 with regard to this bill: ''Republicans are trying to grease the skids for passage of a large emergency spending bill for Colombia and Kosovo with $200 million of 'special projects' for members, and one of the biggest winners is a renegade Democrat being courted by the GOP.''

That, Mr. President, summarizes the process pretty well. Military readiness and the situation in Colombia are not in and of themselves important enough to warrant support for this spending bill; we must have our pork. We must have our $25 million for a Customs Service training facility at Harpers Ferry, West Virginia, a site most certainly chosen for its bucolic charm and operational attributes rather than for parochial reasons. We must have our $225,000 for the Nebraska State Patrol Digital Distance Learning project. We must have over $3 million earmarked for anti-doping activities at the 2002 Olympics, in addition to the $8 million for Defense Department support of these essential national security activities on the ski slopes of Utah. We must have $300,000 for Indian tribes in North Dakota, South Dakota, Montana and Minnesota.

Those of us who had the misfortune of witnessing one of the most disgraceful and blatant explosions of pork-barrel spending in the annals of modern American parliamentary history, the ISTEA bill of 1998, should be astounded to see the projects funded in this emergency spending bill:

$1.2 million for the Paso Del Norte International Bridge in Texas;

$9 million for the US 82 Mississippi River Bridge in Mississippi;

$2 million for the Union Village/Cambridge Junction bridges in Vermont;

$5 million for the Naheola Bridge in Alabama;

$3 million for the Hoover Dam Bypass in Arizona and Nevada;

$3 million for the Witt-Penn Bridge in New Jersey; and

$12 million for the Florida Memorial Bridge in Florida.

These, Mr. President, are but a tip of the iceberg—an iceberg that shall not stand in the way of the icebreaker added to this bill, albeit for more credible reasons than the vast majority of member-adds.

As I stated earlier, tracking the process by which this bill comes before us today has been a truly Byzantine experience. The addition of $600,000 for the Lewis and Clark Rural Water System in South Dakota serves as sort of a tribute to the unusual path down which this legislation has traveled. The most skilled legislative adventurers would be hard pressed to follow the trail this bill followed before arriving at its destination here today.

I cannot emphasize the significance of piling billions of dollars in pork and unrequested earmarks into a bill that we have categorized for budgetary purposes as ''emergency.'' Consider the distinction between emergency spending essential for the preservation of liberty and to deal with genuine emergencies that cannot wait for the usual annual appropriations process, and the manner in which Congress abuses that concept and undermines the integrity of the budgeting process. When I review an emergency spending measure and read earmarks like $2.2 million for the Anchorage, Alaska Senior Center; $500,000 for the Shedd Aquarium/Brookfield Zoo for science education programs for local school students; $1 million for the North Shore-Long Island Jewish Health System in Long Island, New York; $1 million for the Center for Research on Aging at Rush-Presbyterian—St. Luke's Medical Center in Chicago; and $8 million for the City of Libby in Montana, plus another $3.5 million for the Saint John's Lutheran Hospital in Libby, I am more than a little perplexed about the propriety of our actions here.

Is the American public expected to believe that what the chairman of the Appropriations Committee calls a ''must-pass bill'' essential for national security should include emergency funding for Dungeness fishing vessel crew members, U.S. fish processors in Alaska, and the Buy N Pack Seafoods—how do you, Mr. President, even write that bill language with a straight face—processor in Hoonah, Alaska, research and education relating to the North Pacific marine ecosystem, and the lease, operation and upgrading of facilities at the Alaska SeaLife Center, and the $7 million for observer coverage for the Hawaiian long-line fishery and to study interaction with sea turtles in the North Pacific. Finally, and not to belabor the point, is the $1 million for the State of Alaska to develop a cooperative research plan to restore the crab fishery truly a national security imperative?

My friend and colleague from Texas, Senator GRAMM, has referred to the sadly typical smoke and mirrors budgeting gimmickrey pervasive in this bill. I am disturbed by these budgeting gimmicks designed to prevent Congress from complying with the revenue and spending levels agreed to in the Budget Resolution. This bill is a betrayal of our responsibility to spend the taxpayers' dollars responsibly and enact laws and policies that reflect the best interests of all Americans.

For example, this bill waives the budget caps to allow for more discretionary spending. This bill also waived the firewall in the budget resolution between defense and nondefense spending on outlays. The end result is that this gives the Senate Appropriations Committee the freedom to move the $2.6 billion the Defense Appropriations Subcommittee did not spend on much-needed readiness into non-defense spending.

This bill further changes current law and shifts the payment date for SSI, the Supplemental Security Income program, from October back to September. What that does is shift money into fiscal year 2000. In the process, it allows $2.4 billion more be spent in fiscal year 2001 by spending that same amount of money in the previous year. This bill also uses the gimmick of moving the pay date for veterans' compensation and pensions from fiscal year 2001 to fiscal year 2000. Both of these provisions are further examples of the irresponsible budget gimmickry that allows the Congress to spend more without any accountability.

Mr. President, to conclude, this bill is a travesty, a thorough slap in the face of all Americans concerned about fiscal responsibility, national security, the scourge of drugs on our streets, and the integrity of the representation they send to Congress. We should be ashamed of ourselves for passing this bill—a bill that members of the Senate had no time to review despite misleading statements to the contrary voiced on the floor of the Senate. Unfortunately, shame continues to elude us, and the country is poorer for that flaw in our collective character.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of unrequested items.

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

H.R. 4225 FY01 conference MILCON and supplemental add-ons, increases & earmarks

[In millions of dollars]

M1A2 Tank Upgrades	163.7
Patriot Missile Program	125
Walking Shield Program	0.3
2002 Olympic and Paralympic Winter Games	8
Sale of a Navy Drydock to Bender Shipbuilding, Mobile, AL.	
Corps of Engineers Flood Protection, Devils Lake, North Dakota	2
Corps of Engineers Flood Protection, Princeville, North Carolina	1.5
Corps of Engineers improvements, Johnson Creek, Arlington, TX	3
Corps of Engineers dredging, Saxon Harbor, Wisconsin	0.2
DoE Oak Ridge, Tennessee	25
DoE Kansas City Plant, Missouri	11
DoE Pantex Plant in Amarillo, Texas	7.5
DoE Los Alamos, NM	5
DoE Sandia Lab, NM	14
DoE Transportation/Fleet Upgrades	10

DoE Savannah River Site 1.5
DoE Nevada Test Site U1h Shaft improvements 2.5
DoE Office of Security Staffing ... 3
DoE Worker Health Concerns Paducah, KY & Portsmouth, OH ... 10
DoE Uranium Enrichment Decontam. and Decommission. Fund 58
DoE Environmental Cleanup at Paducah, KY & Portsmouth, OH 16
DoE Uranium and Thorium licensee reimbursements 42
Land acquisition at Blount Island, Florida 35
Implementation of the 1999 Livestock Mand. Price Reporting Act 1.35
Farm Service Agency Salaries and Expenses 77.56
Commodity Credit Corporation (CCC) 81
Authorizes Sec. of Agriculture to use CCC funds to offset the assessment on peanut producers for losses from 1999.
DoJ Funds to reimburse Texas, New Mexico, Arizona and California municipal governments for federal costs associated with handling and processing of illegal immigrants 12
DoJ Communications Assistance for Law Enforcement (CALEA) 181
Hurricane(s) assistance to fishermen 10.8
Long Island Lobster Fishery Compensation for New York/Conn. 7.3
West Coast Groundfish fishery disaster relief (CA, OR & WA) ... 5
U.S. Commission on International Religious Freedom 2
Bering Sea Crag Fishery for Oregon, Washington, and Alaskans 10
Voluntary Fishing Capacity reduction program (NE U.S.) 10
Hawaiian Long-line fishing/Sea Turtle interaction/observers 7
North Pacific/Alaska SeaLife Center emergency appropriation 5
BLM Wildland Fire Management funding 200
BLM Land Acquisition—Douglas Tract in Southern Maryland 2
Storm Damage Repairs in National Forests in Minnesota & Wisc 2
Authorizes Const. of Indian Health Service Clinic in King Cove, AK.
Authorizes compensation to Buy N Pack Seafoods in 1999 and 2000 for losses in Dungeness crab fishing in Glacier Bay Park, AK.
DoL—Abstinence Education—Maternal and Child Health Grant .. 20
Const. of Little Flower Children's Services Clinic, Wading River, NY 3
International HIV/AIDS funding 12
CDC Chronic and Environmental Disease Prevention, Houston, TX 0.46
Payment to States for Foster Care and Adoption Assistance .. 35
Auth. extension of funds to Anchorage, AK Senior Citizen's Center.
Improvement in Postsecondary Education, College of New Jersey 0.75
Education Research, Statistics Center, George Mason Univ., VA 0.368
Improvements to St. John's Lutheran Hospital, Libby, Montana 3.5
Economic Development Administration Grant to Libby, Montana 8
Arch. of the Capitol—Capitol Fire Safety Improvements 17.48
NTSB Alaska Air/Egypt Air Investigation Costs 19.739
DOT Paso Del Norte International Bridge, TX 1.2
DOT US 82 Mississippi River Bridge 9
DOT Union Village/Cambridge Junction in Vermont 2
DOT Naheola Bridge, Alabama 5
DOT Hoover Dam Bypass in Arizona and Nevada 3
DOT Witt-Penn Bridge in New Jersey 3
DOT Florida Memorial Bridge 12
National Environmental Policy Institute, Washignton, DC 0.75
DOT Woodrow Wilson Bridge, VA/MD 170
DOT transfer to EPA for telecommuting pilot program 2
DOT Metro-North Danbury to Norwalk, CT commuter rail project 2
DOT Second Avenue Subway improvements, NYC, NY 3
DOT Improvements to the Halls Mill Road, Monmouth County, NJ 1
Treasury in-service firearms training facility, WV 24.9
Treasury—Secret Service funds for National Security Special Events 10
White House—EOP funds for restoration/reconstruction of e-mail 8.4
Winter Olympics/Paralympic Games Doping Control Program 3.3
Provide FY00 funds for the nebraska State Patrol Digital Distance learning project.
5 HUD Economic Develop. Initiatives Comm. Dev. Block Grants:
City of Park Falls, Wisconsin 1.3
Lake Superior BTC Cultural Center, Washburn, Wisconsin 0.25
Hatley, Wisconsin for water, wastewater, and sewer system imp 0.9
Hamlet, North Carolina for demolition and removal of buildings 0.05
Youngstown, Ohio for design and constr. of a Community Center 25
Home Investment Partnership Program, New Jersey 11
Home Investment Partnership Program, North Carolina Housing Finance Agency 25
FEMA Buyout of properties in flood plains 50
NASA Software work for future Mars Missions 1
NASA Online ''Learning Flight Control for Intell. Fl. Cont. Sys.'' proj. 0.5
DC reimbursement for IMF and world Bank Demonstration 4.485
DOT Study, HWY 8 from Minnesota Border thru Wisconsin.
6 C–130Js for the Coast Guard 468
1 Gulfstream V (C–37A) for the Commandant of the Coast Guard 45
LIHEAP (Low Income Home Energy Assistance Program) 600
Military Construction, Blount Island, FL 35
Washington, DC Police Department Funding 4.5
Lewis & Clark Rural Water Project in South Dakota 0.6
Airborne Reconnaissance Low (ARL) aircraft 30
Colombia—Substitutes 30 Blackhawk helos requested by the administration and the Colombian Government for a total of 60 Huey II helicopters.
Cerro Grande/Los Alamos Fire Emergency Conservation Program 10
Cerro Grande, Watershed and Flood Prevention Ops, Los Alamos 4
Dept. of Int. BIA Operation of Indian Programs, Cerro Grande NM 8.982
Buy America Provisions, Arabian Gulf, Kwajalein Atoll.
Authorizes Purchase of an elevated Water Tank, Millington, TN.
Authorizes Light Rail Connector, Ft. Campbell, Kentucky.
Authorizes SECAF to conduct milcon dem. project, Brooks, AFB, TX
Elementary School for the Central Kitsap District, Bangor, WA 1
Study the Health of Vieques, Puerto Rico Residents 40
Purchase Tactical High Energy Laser for the Army 5.7
Purchase F–15 Eagle Fighters for the Air Force 90
CH–46 Helicopter engine Procurement 27
EP–3 Sensor Improvements for the Navy 25.8
Dam Construction, West Virginina 11
U.S. Customs Service Training Center, Harpers Ferry, WV 25
U–2 Reconnaissance aircraft improvements 212.7
WARSIMS for the Army 5
Biometrics Assurance Program ... 7
EPA Macalloy Special Account, Charleston, SC 9.7
Atlas Pulsed Power Experimental Facility, Nevada Tst Site 5
DoE Science Programs, Natural Energy Lab, Hawaii 2.5
DoE Science Programs, Burbank Hospital, Fitchburg, MA 1
DoE, St. Luke's Medical Center, Chicago, IL 1
DoE Science Program, North-Shore, Jewish Hlth. Sys., Long Island 1
DoE Supply Programs to Meterials Science Center, Tempe, AZ 1
Prohibits the use of federal funds to the Nuclear Regulatory Commission for FY00 and 01, Chattanooga, TN Tech Trng Ctr.
West Virginia, Dept. of the Interior, Surface Mining Reg. Program 9.821

HHS Projects for the Health Resources and Services/SSA 20
Youth Offender Grants 19
Shedd Aquarium/Brookfield Zoo Science Programs 0.5
Boston Music/Symphony Education Collaboration (Dept. of Educ.) 0.832
Ben Booke Arena and Hilltop Ski Area Grant, Anchorage, AK. .....

Total Plus-Ups for the Supplemental Portion Only: $3,386,177,000.00.

MILCON portion of the bill

[In millions of dollars]

Alabama:
Redstone Arsenal Space & Msl Def Command Bldg 15.6
Alaska:
Eielson AFB, Joint Mobility Complex 25
Elmendorf AFB, Child Development Center 7.666
Arizona:
Ft. Huachuca, Child Develop. Center 3.35
Army National Guard, Papago Mil. Reserv. Readiness Center 2.265
Yuma Readiness Center 1.598
Arkansas:
Pine Bluff Arsenal, Chemical Defense Qual. Facility 2.5
Little Rock AFB, C–130 Drop Zone 1.259
California:
Ft. Irwin, Presidio of Monterey Barracks Addition 2.6
Barstow USMC Log. Base, Paint & Undercoat Facility ... 6.66
Lemoore NAS, Child Dev. Center Expansion 3.79
Miramar USMC Physical Fitness Center 6.39
Monterey USN PostGrad. Building Extension 5.28
TwentyNine Palms, Bach. Enlisted Quarters 21.77
Beal AFB, Control Tower 6.299
Fresno, Organiz. Maintenance Shop 0.978
Parks, Organiz. Maintenance Shop 6.062
Bakersfield Readiness Center ... 0.5
Fort Ord Thermochemical Conversion—Direct the Army to develop and operate a thermochemical conversion pilot plant at Fort Ord.
Colorado:
Peterson AFB, Computer Network Defense Facility 6.826
Peterson AFB, Maintain Main Access Gate 2.31
Army Natl. Guard, Ft. Carson, Mobiliz. & Train. Equip. Site 15.1
Air Natl. Guard, Buckley ANGB, Replace Joint Munitions Complex 6
Connecticut:
Orange Air National Guard Station Air Control Squadron Complex should be considered in FY 2002.
Delaware:
Army Natl. Guard, Smyrna Readiness Center 7.02
Dover AFB Control Tower highlight funding req. for FY 2002.
District of Columbia:
Washington USMC Barracks, Site Improvements 7.4
Washington USN Research Lab. Nano-Science Center 12.39
8th and I Marine Barracks (1 Unit) 0.5
Florida:
NS Mayport, Aircraft Carrier Wharf Improvements 6.83
Panama City USN Coastal System Center, Amphib. War. Facil 9.96
Tyndall AFB, Weapons Controller Train. School 6.195
Army Reserve, Clearwater Aviation Support Facil 17.8
Army Reserve, St. Petersburg Arm. For. Res. Center 10
USAF Reserve, Homestead, Fire Station 2
Georgia:
Ft. Gordon, Consolidated Fire Station 2.6
Athens USN Supply Corps School, Fitness Center 2.95
Moody AFB, Dormitory 8.818
Robins AFB, Storm Drainage System 11.762
Robbins AFB, Airmen Dining Facil 4.095
Hawaii:
USA Pokakuloa Train. Range .. 12
USN Ford Island, Sewer Force Main 6.9
Defense Wide, Pearl Harbor, Special Deliv. Drydeck Facil 9.9
Maui Readiness Center 11.592
Idaho:
Air Natl. Guard, Gowen Field, C–130 Assault Strip 9
Illinois:
Natl. Guard, Aurora Readiness Center 2.871
Natl. Guard, Danville Readiness Center 2.435
Indiana:
ANG, Ft. Wayne Int'l Airport, Replace Fuel Cell & Corrosion Facility 7
Grissom AFRB, Services Complex 11.29
USNR, Grissom AFRB, Reserve Train. Facil 4.73
Iowa:
Fairfield Readiness Center 1.066
Kansas:
Ft. Riley, Adv. Waste Water Treatment Facil 22
McConnel AFB, Approach Lighting System 2.1
McConnel AFB, KC–135 Squad Ops/Aircraft Main. Unit 9.764
Air Natl. Guard, McConnell AFB, B–1 Power Check Pad ... 1.55
Ft. Leavenworth—Bell Hall Refurbishment earmark for FY 2002.
Kentucky:
Ft. Knox Multi-Purpose Digital Training Range 0.55
Natl. Guard, Ft. Knox, Parking 3.929
Louisiana:
Barksdale AFB, B–52H Fuel Cell Main. Dock 14.074
USNR, New Orleans Naval Support Activity 1.67
New Orleans NAS, Joint Reserve Center 7
Maine:
Portsmouth Naval Shipyard, Waterfront Crane Rail System 4.96
Maryland:
Ft. Meade, Barracks 19
Patuxent River NAS, Environmental Noise Reduction Wall 1.67
Patuxent River NAS, Research & Test Eval. Support Facil 6.57
Aberdeen Proving Ground, Munitions Assessment/Processing Sys 3.1
Massachusetts:
Hanscom AFB, Renovate Acquisition MGMT Facility 12
Air Natl. Guard, Barnes Municipal Airport, Relocate Taxiway 4
ANG, OTIS ANGB, Upgrade Airfield Storm Water System 2
Westover AFB, USMC Reserve Training Facility 9.1
Westover AFB, USAF Reserve, Repair Airmen Quarters 7.45
Michigan:
Natl. Guard, Lansing Combined Main. Shop 17
Natl. Guard, Augusta Organ. Main. Shop 3.6
Air Natl. Guard, Selfridge ANGB, Upgrade Runway 18
Minnesota:
Natl. Guard, Camp Riley, combined Support Main. Shop 10.368
Mississippi:
USN Stennis Space Center, Warfighting Center 6.95
Columbus AFB, Corrosion Control Facil 4.828
Natl. Guard, Camp McCain, Modified Record Fire Range .. 2
Natl. Guard, Oxford Readiness Center 3.348
ANG, Jackson Int'l Airport, C–17 Corr. Control/Main. Hangar 1.7
Family Housing, Gulfport Naval Con. Battalion Center (157 Units) 20.7
Missouri:
Ft. Leonard Wood, Airfield Improvements 4.2
Natl. Guard, Maryville Readiness Center 4.225
USNR, Whiteman AFB, Littoral Surveillance System 3.57
Family Housing, Ft. Leonard Wood (24 units) 4.15
Montana:
Malstrom AFB, Convert Commercial Gate 3.517
Malstrom AFB, Helicopter Ops Facil 2.362
Natl. Guard, Bozeman Readiness Center 4.916
Nevada:
Fallon NAS, Corrosion Control Hangar 6.28
Natl. Guard, Carson City USP&FO, Admin. Building 4.472
Air Natl. Guard, Reno-Tahoe Int'l Airport, Fuel Storage Complex 5
Family Housing, Nellis AFB (26 units) 5
Carson City Readiness Center—direct National Guard Bureau to insure additional funding is provided.
New Hampshire:
Air Natl. Guard, Pease Int'l. Trade Port, Med. Train. Facil 4
New Jersey:
Picatinny Arsenal, Armament Software Eng. Center 5.6
McGuire AFB, Air Freight Terminal/Base Supply Complex .. 10.6
Fort Dix Barracks $900,000 for the design of the facility 0.9
New Mexico:
Cannon AFB, Control Tower 4.934
Holloman AFB, Repair Bonito Pipeline 18.38

Kirtland AFB, Fire/Crash Rescue Station	7.35
New York:	
Ft. Drum, Battle Simulation Center	12
Air Natl. Guard, Hancock Field, Small Arms Train. Facil	1.25
Air Natl. Guard, Hancock Field, Upgrade Aircraft Main. Shops	9.1
ANG, Niagara Falls Int'l. Airport, Upgrade Overrun & Runup	4.1
West Point Multi-media Learning Center	0.5
North Carolina:	
USMC Camp Lejeune, Armories	4
Seymour Johnson AFB, Repair Airfield Pavements	7.141
Air Natl. Guard, Charlotte/Dgls. Airport, Replace Supply Whare	6.3
North Dakota:	
Natl. Guard, Wahpeton Arm. For. Readiness Center	10.96
Ohio:	
Wright-Patterson AFB, Consolidated Toxics Hazards Lab	14.908
Air Natl. Guard, Mansfield-Lahm Airport, Squad. Ops & Commun	7.7
Air Natl. Guard, Springfield Airport, Power Chk/De-arm pad	4
Columbus Naval & Marine Reserve Center, Consolidated Air Res.	7.08
Oklahoma:	
Ft. Sill, Tactical Equip. Shop	10.1
Altus AFB, C–17 Cargo Compartment Trainer	2.939
Tinker AFB, Dormitory	8.715
Vance AFB, Main. Hangar	10.504
Natl. Guard, Sand Springs, Arm. For. Res. Center	13.53
Oregon:	
Camp Rilea Train. Simulation Center	1.47
Eugene Armed Forces Reserve Center Complex consideration for FY 2002.	
Pennsylvania:	
Philadelphia Naval Surface Warfare Cent., Gas Turbine Test Fac	10.68
Ft. Indiantown Gap, Repair Waste Treatment Plant/Sewage	8.518
Johnstown Regional Main. Shop	4.5
Mansfield Readiness Center	3.1
New Milford Readiness Center	2.675
Letterkenny Army Depot, Missile Igloo Modifications	0.112
Rhode Island:	
Air Natl. Guard, Quonset State Airport, Main. Hangar & Shops	8.9
South Carolina:	
Charleston AFB, Base Mobility Warehouse	9.449
Charleston AFB, Runway Repair	10.289
Shaw AFB, Dining Facil	5.252
Beaufort USMCAS, Readiness Center	4.87
Leesburg Training Center, Infrastructure Upgrades	5.682
USN, Ft. Jackson Naval Reserve Armory	5.2
South Dakota:	
Ellsworth AFB, Base Civil Eng. Complex	10.29
Natl. Guard, Sioux Falls, Consolidated Barracks/Edu. Facil	4.955
Tennessee:	
Natl. Guard, Henderson Readiness Center	5.165
Natl. Guard, Tazwell Readiness Center	3.51
Texas:	
Ft. Hood, Command & Control Facil	4
Ft. Hood, Fire Station/Transportation Motor Pool	6.492
Corpus Christi NAS, Parking Apron Expansion	4.85
Ingleside USN Station, Mobile Mine Assembly Unit Facil	2.42
Kingsville NAS, Aircraft Parking Apron	2.67
Dyess AFB, Fitness Center	12.813
Lackland AFB, Child Dev. Center	4.83
Sheppard AFB, Dining Facil	6.45
Laughlin AFB, Visitors Quarters	11.973
Ft. Bliss, Lab. Renovation	4.2
Air Natl. Guard, Ellington Field, Replace Base Supply/Civil Eng. Co	10
USNR, NAS, Ft. Worth, Indoor Rifle Range	3.49
USNR NAS, Ft. Worth, Religious Ministry Facil	1.83
Utah:	
Hill AFB, Dormitory	11.55
S.A. Douglas Armed Forces Reserve Center Parking & Site Improv	0.7
Vermont:	
Air Natl. Guard, Burlington Int'l. Airport, Main. Complex	9.3
Virginia:	
Ft. Eustis, Aircraft Main. Instruction Building	4.45
USN Dahlgren Naval Surf. Warfare Center, Joint Warf. Analysis C	19.4
Langley AFB, Fitness Center	12.18
Natl. Guard, Richlands Org. Main. Shop	1.175
Family Housing, Ft. Lee (52 units)	8.6
Fort Belvoir, Potomac Heritage National Scenic Trail	0.5
Washington:	
Bangor Naval Sub. Base, Strategic Sec. Support Facil	4.6
Bremerton Naval Station, Fleet Recreation Facil	1.93
Everett Naval Station, Aquatic Combat Training Facil	5.5
Puget Sound Naval Shipyd., Industrial Skills Center	10
Fairchild AFB, Joint Personnel Training Center	5.88
Fairchild AFB, Runway Centerline Lighting	2.046
Natl. Guard, Bremerton Readiness Center	4.341
Natl. Guard, Yakima Readiness Center	1.6
Ft. Lawton, Site Improvements	3.4
Ft. Lewis Vancouver Barracks Historic Facilities	1.5
West Virginia:	
Air Natl. Guard, Yeager ANGB, Upgrade parking Apron	6
USNR, Eleanor Res. Center	2.5
Wyoming:	
Air Natl. Guard, Cheyenne Int'l. Airport, Control Tower	1.45
Puerto Rico:	
Ft. Buchanan, Child Dev.	3.7
WorldWide Unspecified:	
USA Unspecified Minor Construction	5.7
USA Planning & Design	17.6
USA Classified Project	0.5
USN Planning & Design	10
USN Unspecified Minor Construction	4
USAF Unspecified Minor Construction	1.5
USAF Planning & Design	20.391
Natl. Guard Planning & Design	20.547
Natl. Guard Unspecified Minor Construction	10.48
Natl. Guard Unspecified Minor-WMDCST	25
Air Natl. Guard Unspecified Minor Construction	4
USA Reserve Planning & Design	5.5
USA Reserve Unspecified Minor Construction	0.7
USNR Planning & Design	2.2
USAFR Planning & Design	1

Total MILCON only: $1,226,226,000.00.

Total MILCON Plus Supplemental: $4,612,403,000,00.

ADD-ONS, INCREASES AND EARMARKS HIGHLIGHTED BY SECTION AND DESIGNATED AS EMERGENCY REQUIREMENTS

Section 111. Any military construction projects, including architect and engineer contracts, estimated to exceed more than $500,000 to be accomplished in Japan, in any NATO country, or in countries bordering the Arabian Gulf are to be awarded to United States firms or U.S. firms in joint venture with host nation firms.

Section 112. Any military construction project in U.S. territories and possessions in the Pacific and on Kwajalein Atoll, or in the Arabian Gulf, estimated to exceed $1 million may be awarded to a foreign contractor only if the foreign contractor bid exceeds a U.S. contractor bid by 20% or more. Furthermore, for contract awards for military construction on the Kwajalein Atoll this requirement is suspended for Marshallese contractors.

Section 124. Department of Defense funds may be transferred for the purpose of funding programs of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C.) to pay for expenses associated with the Homeowners Assistance Program.

Section 130. Critical military construction funds may be transferred from the Naval Reserve account to the Active Duty Navy account for funding an elevated water storage tank at the Naval Support Activity Midsouth, Millington, Tennessee.

Section 131. Department of Defense military construction funding may be used for the light rail connector located at Fort Campbell, Kentucky and if funds become available, the Secretary of the Army may later accept funds from the Federal Highway Administration or the State of Kentucky.

Section 133. Directs the Secretary of Defense to prioritize military housing projects in San Diego over military housing projects in cities in other communities where there are bases.

Section 134. $170 million is provided for the purposes of dredging and foundation repairs for the Woodrow Wilson Memorial Bridge in Virginia.

Section 135. Provides $0.5 million in funds for the Secretary of the Navy to improve and repair Marine Corps Officer Quarters Number 6 belonging to the Commandant of the Marine Corps, at the 8th and I Barracks, in Washington, D.C. This is odd especially since elsewhere in this bill there is restrictive language that prohibits more than $25,000 per unit may be spent annually for maintenance and repair of ANY general or flag officer quarters.

Section 136. Authorizes the Secretary of the Air Force to conduct a logistics, maintenance, and military construction demonstration project at Brooks Air Force Base, Texas.

Section 137. Directs the Secretary of Defense to provide not less than $1 million for the design of an elementary school for the Central Kitsap School District in Bangor, Washington. Putting this funding requirement in the emergency supplemental bill is an end run around the normal authorization and appropriations process. Now that design work is obligated, then next year funding will become available for the construction of the school through the military construction authorization and appropriation bills. Both Committees turned down this project because the Department of Defense had not put any design money funding in their budget.

Chapter 1—Operation and Maintenance, Defense-Wide

Provides $40 million in emergency funding to Vieques, Puerto Rico for the study of health or Vieques residents, airport firefighting equipment, pier improvements at a commercial ferry pier and terminal, construction of an artificial reef and reef conservation, special payments for Vieques commercial fisherman for lost days of fishing because Navy training, roadways and bridge improvements in Puerto Rico, adult training and reeducation programs, natural resources preservation, protection and conservation, and economic development programs.

Research, Development, Test and Evaluation, Army

Provides $5.7 million for the purchase of Tactical High Energy Laser (THEL) for the Army.

Section 103. Provides $90 million for the purchase of F–15 Eagles for the Air Force.

Section 104. Provides $163.7 million for the purchase of Abrams tank M1A2 SEP Upgrades for the Army.

Section 111. Provides $27 million for the purchase of engines for the CH–46 and $25.8 million for the purchase of EP–3 sensor improvement modifications for the Navy. Provides $212.7 million for the purchase of U–2 reconnaissance aircraft sensor improvements and flight simulators for the Air Force. Provides $5 million for the development of WARSIMS for the Army.

Section 112. Provides $7 million total for biometrics information assurance programs for the Army, probably at Walter Reed Hospital in Maryland.

Section 113. Provides $125 million for the purchase of Patriot missile equipment for the Army.

Section 114. Provides $300 thousand for Walking Shield for the technical assistance and transportation of excess housing to Indian Tribes in the States of North Dakota, South Dakota, Montana and Minnesota.

Section 116. Provides for the transfer of $9.7 million from Department of Defense readiness funding to the Environmental Protection Agency Macalloy Special Account for environmental response funding in Charleston, South Carolina.

Section 117. Provides $8 million to the Department of Defense for communications, communications infrastructure, logistical support, resources, and operational assistance required by the Salt Lake Utah Organizing Committee to stage the 2002 Olympic and Paralympic Winter Games.

Section 119. Provides for the sale of Navy Drydock No. 9 (AFDM–3) located in Mobile, Alabama, to the private shipbuilder Bender Shipbuilding and Repair Company, Inc. without competitive bidding by other contractors.

Section 205. Provides $5 million from the Department of Energy Weapons Activities programs to move the Atlas pulsed power experimental facility to the Nevada Test Site.

Section 206. Provides $2.5 million from the Department of Energy Science programs to the Natural Energy Laboratory in Hawaii.

Section 207. Provides $1 million from the Department of Energy Science programs to the Burbank Hospital Regional Center in Fitchburg, Massachusetts.

Section 208. Provides $1 million from the Department of Energy Science programs to the Center for Research on Aging at Rush-Presbyterian-St Luke's Medical Center in Chicago, Illinois.

Section 209. Provides $1 million from the Department of Energy Science programs to the North Shore-Long Island Jewish Health System in Long Island, New York.

Section 210. Provides $1 million from the Department of Energy Supply programs to the Materials Science Center in Tempe, Arizona.

Section 211. Prohibits the use of federal funds appropriated to the Nuclear Regulatory Commission for fiscal year 2000 and 2001 to relocate or prepare for the relocation of personnel or functions from the Chattanooga Tennessee Technical Training Center.

Chapter 3—Military Construction

Section 303. Provides $35 million from the Department of Defense Military Construction Navy account for the purchase of land at Blount Island, Florida.

Chapter 4—Department of Transportation, Coast Guard

Provides $468 million for the purchase of 6C–130J Hercules aircraft for the Coast Guard and the funding of these aircraft as an emergency requirement and therefore is not subject to the budget caps.

Chapter 2—National Oceanic and Atmospheric Administration

Provides $30.7 million for compensation of fisherman for losses and equipment damage resulting from Hurricane Floyd and other recent hurricanes and fishery disasters in the Long Island Sound lobster fishery and west coast groundfish fishery, and for the repair of the National Oceanic and Atmospheric Administration hurricane reconnaissance aircraft and designated as an emergency requirement and therefore is not subject to the budget caps.

United States Commission on International Religious Freedom

Provides $2 million for the United States Commission on International Religious Freedom and designates this funding as emergency funding.

GENERAL PROVISIONS

Section 2201. Provides $10 million for the Pribilof Island and East Aleutian area of the Bering Sea for emergency expenses for fisheries disaster relief and $7 million for other disaster assistance, $3 million for Bering Sea ecosystem research, and $1 million for the State of Alaska to develop a cooperative research plan to restore the crab fishery in Alaska and to designate this funding as emergency funding and therefore the funding is not subject to the budget caps.

Section 2202. Provides $10 million for Northeast multi species fishery to support a voluntary fishing capacity program and designates this funding as emergency and therefore not subject to the budget caps.

Section 2203. Provides $2 million for studies relating to the long-line interactions with sea turtles in the North Pacific and $5 million for the commercial fishing industry in the Northwest Hawaiian Islands for the Hawaiian Long-line fishery and to designate this funding as emergency and therefore is not subject to the budget caps.

Section 2204. Provides $5 million in funding for and directs the Secretary of Commerce to establish a North Pacific Marine Research Institute at the Alaska SeaLife Center by the North Pacific Research Board for the purpose of carrying out education projects relating to the North Pacific marine ecosystem with particular emphasis on marine mammal, sea bird, fish, and shellfish populations in the Bering Sea and Gulf of Alaska including populations located in or near Kenai Fjords National Park and the Alaska Maritime National Wildlife Refuge. This $5 million in funding is designated as emergency funding and therefore is not subject to the budget caps.

Section 2303. Provides emergency status funding for United States fish processors which have been negatively affected by restrictions on fishing for Dungeness crab in Glacier Bay National Park and which previously received interim compensation and specifically ''Buy-N-Pack Seafoods Inc., a United States fish processor in Hoonah, Alaska which has been most severely impacted by these fishing restrictions.

GENERAL PROVISIONS

Language stating that notwithstanding any other provision of law, no funds provided in this or any other Act may be used to further reallocate the Central Arizona Project water or to prepare an Environmental Assessment, Environmental Impact Statement, or Record of Decision providing for the reallocation of the Central Arizona Project water until further act of Congress authorizing and directing the Secretary of the Interior to make allocations and enter into contracts for delivery of the Central Arizona Project water.

Language stating that notwithstanding any other provision of law, the Indian Health Service is authorized to improve municipal, private or tribal lands with respect to the new construction of the clinic for the community of King Cove, Alaska.

Language which provides for compensation to Dungeness fishing vessel crew members, fish processors which have been negatively affected by restriction on fishing and Dungeness Crab in Glacier Bay National Park; and, the Buy N Pack Seafoods in Hoonah, Alaska which have been negatively affected by restrictions on fishing in Glacier Bay National Park.

INDEPENDENT AGENCIES

$2,374,900 in addition to amounts made available for the following in prior Acts, shall be and have been made available to award grants for work on the Buffalo Creek and other New York watersheds and for aquifer protection work in and around Cortland County, New York, including work on the Upper Susquehanna watershed.

$2,600,000 shall be transferred to the ''State and Tribal assistance grants'' account to remain available until expended for grants for wastewater and sewer infrastructure improvements for Smithfield Township, Monroe County ($800,000); the Municipal Authority of the Borough of Milford, Pike County ($800,000); the city of Carbonadale, Lackawanna County ($200,000); Throop Borough, Lackawanna County ($200,000); and Dickson City, Lackawanna County ($600,000), Pennsylvania.

Language which redirects funding appropriated in title III of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, by striking ''in the town of Waynesville'' in reference to water and wastewater infrastructure improvements as identified in project number 102, and by inserting ''Haywood County''; Fourpole Pumping Station'' in reference to water and wastewater infrastructure improvements as identified in project number 135; and by striking the words ''at the West County Wastewater Treatment Plant.''

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Earmarking $20,000,000 for Health Resources and Services for special projects of

regional and national significance under section 501(a)(2) of the Social Security Act, which shall become available on October 1, 2000, and shall remain available until September 30, 2001.

ADMINISTRATION ON AGING

Earmarking $3,000,000 as an additional amount for Health Resources and Services, to remain available until September 30, 2001, for renovation and construction of a children's psychiatric services facility in Wading River, New York.

Earmarking $2,200,000 for the Anchorage, Alaska Senior Center, and shall remain available until expended.

DEPARTMENT OF EDUCATION

Amended by inserting after the words ''Salt Lake City Organizing Committee'' the words ''or a governmental agency or not-for-profit organization designated by the Salt Lake City Organizing Committee.''

Earmarking $19,000,000 provided to become available on July 1, 2000, for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220.

Earmarking $750,000 to remain available until expended, which shall be awarded to the College of New Jersey, in Ewing, New Jersey, for creation of a center for inquiry and design-based learning in mathematics, science and technology education.

Inserting ''Town of Babylon Youth Bureau for an educational program.''

By striking ''$500,000 shall be awarded to Shedd Aquarium/Brookfield Zoo for science education/exposure programs for local elementary schools students'' and inserting ''$500,000 shall be awarded to Shedd Aquarium/Brookfield Zoo for science education programs for local school students.

By striking ''Oakland Unified School District in California for an African American Literacy and Culture Project'' and inserting ''California State University, Hayward, for an African-American Literacy and Culture Project carried out in partnership with the Oakland Unified School District in California.

By striking ''$900,000 for the Boston Music Education Collaborative comprehensive interdisciplinary music program and teacher resource center in Boston, Massachusetts'' and inserting an earmark for ''$462,000 to the Boston Symphony Orchestra for the teacher resource center and $370,000 shall be awarded to the Boston Music Education Collaborative for an interdisciplinary music program, in Boston, Massachusetts.

Earmarking $368,000 to be derived by transfer from the amount made available for fiscal year 2000 for Health Resources and Services Administration—Health Resources and Services for construction and renovation of health care and other facilities: Provided that such amount shall be awarded to the George Mason University Center for Services to Families and Schools to expand a program for schools and families of children suffering from attentional, cognitive, and behavioral disorders.

GENERAL PROVISIONS

Earmarking $3,500,000 for the Saint John's Lutheran Hospital in Libby, Montana for construction and renovation of health care and other facilities and an additional amount for the Economic Development Administration.

Earmarking $8,000,000 only for a grant to the City of Libby, Montana, such amount to be transferred to the City upon its request notwithstanding the provisions of any other law and without any local matching share of award conditions.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I use my leader time to make some announcements about the schedule.

I, too, commend Senator BURNS from Montana, the chairman of the Appropriations Military Construction Subcommittee, and his ranking member, Senator MURRAY of Washington State, for their work on this legislation. It is important. It has a lot of projects that are very important for our defense and the underlying military construction appropriations bill. I also extended to them my sympathy and appreciation for the fact that their bill had to carry a title II which brought a lot of emergency legislation, but it needed to be done. Their bill became the catalyst to move this emergency legislation through. It was not easy for them to have to deal with all the conflicting problems not in their jurisdiction. I thank them for what they did on this legislation.

I thank Senator GRAMM, Senator MCCAIN, Senator STEVENS, and Senator BYRD for their usual brilliance and innovation. What looked like 6 hours of readings, multiple votes on points of order, and a contested final passage sometime tonight, Saturday, or Sunday, was resolved in a matter of minutes. It is a miracle.

I know there will be objections to various parts and a lot of speeches will be made. That is great. There will be time for that later. I appreciate the help of Senator DASCHLE and all involved. We needed this bill. We needed this emergency legislation.

Senator STEVENS did the right thing. I thank him. I wanted to express my appreciation to all.

Mr. DASCHLE. Will the Senator yield?

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

Mr. DASCHLE. I also express my congratulations to Senator STEVENS and Senator BYRD for their masterful effort in getting the Senate to this point, and for the managers of the bill itself. As Senator LOTT has indicated, this was not an easy task. All the way to the very last moment it looked as if this could have been derailed. It wasn't, in part because of leadership and in part because of cooperation.

I think we have done a good thing today, an important thing. It is important we finish this work prior to the time we leave. This bill will now go to the President, as it should. I know he will sign it. I think we are ending the way we should have ended, on a high note with a good deal accomplished.

I thank the Senator.

Mr. BYRD. Will the Senator yield?

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

Mr. BYRD. Mr. President, having been the Senate Democratic leader, I know that there comes a moment in time when leaders have to step in and act. Our two leaders did that at the critical moment. It is through their leadership that we have reached an understanding in this matter. I thank both leaders. I congratulate them on having done a great service. I say this: Every Senator is in their debt.

I also thank my colleague and friend, Senator STEVENS, for the leadership he has shown in these appropriations matters.

I hope that both of our leaders, in particular, and all of our colleagues will have a very safe and enjoyable Fourth of July.

Mr. LOTT. Thank you, Senator BYRD, for your comments and for your inspiration and for talking about the history of this great country and this special celebration of the Fourth of July, 2000, with family and friends. It is a special time for our country and in our lives. I look forward to it.

Senator BYRD, I will have the presence of my very fine grandson that you spoke so beautifully about just 2 years ago on his birth date. I look forward to that moment.

Mr. BYRD. Will the Senator yield?

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

Mr. BYRD. Please tell your handsome grandson, who has been blessed with a multitude of talents, I am sure, that this year is not the beginning of the 21st century. Tell him it is not the beginning of the third millennium. This is the last year of the 20th century. Regardless of what the media say and many politicians say, this is the last year of the 20th century and the last year of the second millennium.

Let him know that, so that he will be raised in truth and will always seek truth.

Mr. LOTT. Thank you, again.

Senator BYRD, I want to note, when you enter my young grandson's room, on the wall to the left, in a beautifully framed device is the fantastic speech that you gave on the floor. It will always be there. What you had to say was so beautiful to say about our grandchildren, and about his birth, and quotes from the Bible, quotes from history.

Anybody who thinks there is not a bipartisan spirit around here needs to know that there is no quote from the Republican majority leader in my grandson's room. The only speech in his room is the speech from that great Democrat of West Virginia, ROBERT BYRD.

Mr. REID. Will the Senator yield?

Mr. LOTT. I yield to Senator REID.

Mr. REID. Having listened and watched what went on and having served in government most of my adult life, it is not often we see such leadership in action close up. We have seen it here today. This is remarkable.

I want to publicly express my appreciation for the work done by our leader. The burdens he bears I see close up. I see your burdens, Mr. Majority Leader, but not as up close and personal as

I see Senator DASCHLE's. What he does for us, the minority, is extraordinary, as evidenced by the very quick, instantaneous decisions he made in conjunction with you today. You are both to be applauded. This is democracy in action. It is what is good about government.

I also extend accolades to the two of you. I have no military service in my background, but with the love and appreciation and dedication that Senators STEVENS and INOUYE have for the military, and Senator WARNER and others who work for the defense of this country, they see it from a little different perspective than a lot of us because they have seen military action. I think they deserve a great deal of credit.

Senator INOUYE has been ill and has not been here this week, but his spirit has been here. He was awarded the Congressional Medal of Honor. He and Senator STEVENS have guided the military of this country for the last decade as no one in the history of this country, in my opinion. I express appreciation for everyone on our side of the aisle for what these two men do for the military. Senator STEVENS and Senator INOUYE have personally felt the need for this military construction bill, and every word they speak indicates that.

Mr. LOTT. Mr. President, I thank Senator REID, for his comments.

ORDER OF BUSINESS

Mr. LOTT. I want the Senate to be on notice when we return on Monday, July 10, since there was objection to, at least at this time, taking up the Thompson bill freestanding, we will go to the Interior appropriations bill. There will be a vote or votes on that Monday sometime between 5 and 6, presumably around 5:30.

Later today, we hope to still be able to propound some unanimous consent requests. We are still working to see if we can get the Department of Defense authorization bill worked out with an agreement, and conclude that, and Senator DASCHLE and I are continuing to work to see if we can get an agreement on how to take up the estate tax issue. We may still have some more business yet this afternoon. Of course, we are going to also wrap up with some confirmations from the Executive Calendar; specifically, judges that are pending before we conclude our business today.

MORNING BUSINESS

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

Mr. WARNER. Reserving the right to object, could that include, Mr. Leader, the ability of the Armed Services Committee to bring up a package of cleared amendments?

Mr. LOTT. I believe it would.

Mr. WARNER. Could I have that exception written into the distinguished leader's unanimous consent?

Mr. LOTT. I don't believe it is necessary, but I amend my request to that effect.

Mr. WARNER. I wish to advise you, Mr. Leader, working with your staff on this side, working with the Judiciary Committee, that is the only remaining item, together with Senator ROTH and Senator BYRD, who are working on a matter which if we can resolve those two, I believe I can indicate to my distinguished leaders that we could get the unanimous consent.

Mr. LOTT. Thank you very much. I yield the floor.

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

The Senator from Montana

MILCON CONFERENCE REPORT: CLEAN WATER ACT PROVISION

Mr. BAUCUS. Mr. President, I rise to express my strong opposition to a provision, which has been included in the military construction conference report, that prevents EPA from using any funds to implement a new rule to clean up our nation's streams, rivers, and lakes.

Let me explain why this rule is important.

Since 1972, when the Clean Water Act became law, we've made a lot of progress in cleaning up our water, especially with respect to so-called ''point sources'' like sewage treatment plants and industrial plants; the pipe that come out of plants and go into lakes and streams.

But we still are far from reaching our goal of fishable, swimmable waters. That is the standard in the act.

That's where the new rule comes in. It relates to something called ''total maximum daily loads,'' or TMDLS. It is a long, technical-sounding label. But it's a pretty simple concept. A TMDL is really a pollution budget for a watershed. It's like the Clean Water Act version of a State implementation plan under the Clean Air Act.

The TMDL program was actually enacted as part of the original Clean Water Act, way back in 1972. For a long time, it was dormant. But, in recent years, environmental groups have lawsuits requiring EPA and states to implement the program. In virtually every single case, they have won.

In light of this, EPA decided to revise its rules for the TMDL program, to bring them up to date. To begin with, it convened a group of stakeholders, who worked for two years to make recommendations. Then, last August, EPA proposed new rules.

Make no mistake about it. These rules have been controversial.

Like many others, I have been particularly concerned about the proposal to require many forestry operations to get Clean Water Act permits. I thought EPA was taking a long, winding road that didn't end up in the right place.

But EPA has been listening. In response to Congressional hearings and public comments, it has made changes. For example, it dropped the forestry proposal and made other parts of the rule more workable.

As I understand it, the rule has gone to OMB for review, and should be published, in final form, soon.

But then we get this conference report. Out of the blue, it provides that none of the funds appropriated to EPA for 2000 and 2001 can be used to implement the new rule.

I have two major problems with this provision. The first problem is the process by which the provision has been included in the conference report. The process is, in a word, outrageous. Clearly, there are differences of opinion about the TMDL rule. But there are several opportunities for those differences to be debated.

The Environment and Public Works Committee is considering a bill, introduced by Subcommittee Chairman CRAPO and Committee Chairman SMITH, that would, among other things, delay the final rule. The House HUD/VA/Independent Agencies Appropriations bill contains a provision that also would delay the rule.

Of course, there is the regulatory review process we enacted in 1996, that allows Congress to disapprove a final rule.

In each case, we would have a debate. The merits would be discussed. Senators could explain why they believe that the rule should be delayed; others could respond. Then we would have a vote, and the public could judge our actions.

That's not what's going on here. Instead, opponents of the rule have slipped the provision into an unrelated conference report that cannot be amended—no debate, no sunshine, no public knowledge of what is going on. And they have done it on a bill that provides emergency funding for many urgent national needs, so that the President is under strong pressure to sign the bill.

Frankly, I wonder why they have taken this approach. Why not debate, in clear public view? What are they afraid of?

Another thing, by using conference reports this way, we further weaken the bonds that bind this institution together, and reduce public confidence in our deliberative process. This is no way to run a railroad.

The second problem with the provision is substantive. Despite significant progress since 1972, too many of our rivers, streams, and lakes do not meet water quality standards.

EPA's proposed rule makes some important improvements. At the heart of it, the rule clarifies the operation of the TMDL program and requires implementation plans, so that the program becomes more than a paperwork exercise. At the same time, the rule gives States more time to complete their lists, allocations, and plans—a lot more time.

That is a pretty good tradeoff.

By blocking the rule, we will simply delay the tough decisions about how to

make the program work. We will perpetuate the current outdated, fragmented, litigious system.

Most important of all, we will delay, once again, the day when our nation finally has clean streams, rivers, and lakes, from sea to shining sea.

I regret that this provision has been included in the conference report and I will work to reverse the decision at the earliest opportunity.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. 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. AKAKA. Mr. President, I ask unanimous consent for 15 minutes in morning business.

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

A NATIONAL ENERGY POLICY

Mr. AKAKA. Mr. President, for most of the 1990s, the average gasoline prices in Honolulu hovered at roughly 25 cents to 50 cents above the national average. In June 1999, only 1 year ago, Hawaii's price of $1.51 per gallon ranked above Oregon's at $1.44 and the national average of $1.14.

As late as last month, according to the Automobile Association of America, Hawaii topped the Nation with an average per gallon price of $1.85, compared to the next highest state, Nevada, at $1.67 and a U.S. average of $1.51.

This month, according to AAA, Hawaii ranked fourth highest with an average price for regular unleaded of $1.86 per gallon. That fell below Illinois with an average of $1.98, Michigan at $1.96, and Wisconsin at $1.91. Still, Hawaii's price was well above the U.S. average of $1.63.

It is no pleasure to say that Hawaii has lost this dubious distinction as the State with the Nation's highest gasoline prices. The pocketbooks of Americans are hurting all over the country.

There has been no shortage of blame—short supplies, pipeline problems, cleaner gasoline requirements, too much driving and gas guzzlers, oil company manipulations, even an esoteric patent dispute, to name a few. So far, the initial examination of the causes of the dramatic increase of prices in some areas of the Midwest has provided no clear picture. The Clinton administration has asked the Federal Trade Commission to investigate if there were any illegal price manipulations in the Midwest leading to such dramatic price increases.

This problem of dependence on imported oil has been in the making for many years. Our import dependence has been rising for the past 2 decades. The combination of lower domestic production and increased demand has led to imports making up a larger share of total oil consumed in the United States. In 1992, crude oil imports accounted for approximately 45 percent of our domestic demand. Last year crude oil imports accounted for 58 percent. The Energy Information Administration's Short-Term Outlook forecasts that oil imports will exceed 60 percent of total demand this year. EIA's long-term forecasts have oil imports constituting 66 percent of U.S. supply by 2010, and more than 71 percent by 2020.

Continued reliance on such large quantities of imported oil will frustrate our efforts to develop a national energy policy and set the stage for energy emergencies in the future.

For months now, we have watched the price of gasoline and fuel oil rise at breakneck speed. All across America, families have suffered ever-escalating prices.

We have not had a coherent and comprehensive energy policy for a long time. Additionally, we have not had a commitment to address our dependence on foreign sources of oil. Absence of an effective policy and a visible commitment to addressing our energy dependence have made us hostage to OPEC's production decision. It has also encouraged Mexico, our NAFTA partner, to join OPEC in limiting oil supplies.

We all understand that there is no overnight solution to America's energy problems. We can't turn this trend around overnight. Tax repeals and other such short-term actions may appear appealing, given the political climate, and may even provide limited relief in the short run, but they do not provide a solution to our energy problem. They do not provide a sound basis for a national energy policy. Their unintended consequences may be other problems such as deficits in highway and transit funds.

The only way to reverse our energy problem is to have a multifaceted energy strategy and remain committed to that strategy. In my judgment, you need both of these in equal portions. This will send a clear message to OPEC and their partners about America's resolve.

The way to improve our energy outlook is to adopt energy conservation, encourage energy efficiency, and support renewable energy programs. Above all, we must develop energy resources that diversify our energy mix and strengthen our energy security. Natural gas appears to be the most attractive fuel to form the cornerstone of our energy policy. It is the right fuel to bridge the energy and environmental issues facing us.

If we are to have a comprehensive energy policy that strengthens our economy and serves the real needs of Americans, then we need to dismantle our dependence on foreign oil as soon as possible. And the way to do this is to begin using more natural gas—a domestically abundant fuel—that is safe and reliable to deliver, more environmentally friendly than oil, and over three times as energy-efficient as electricity from the point of origin to point of use.

Let me state those facts again: Natural gas is plentiful, efficient, environmentally friendly, and it is a domestic fuel source.

Natural gas offers itself as a good choice for the fuel of the future. It offers us many advantages that other fuels do not. About 85 percent of the natural gas consumed in America each year is produced domestically. The balance is imported almost entirely from Canada. We have a large domestic natural gas resource base and advances in exploration and production technologies are allowing increased production. We also have potentially vast resources in the form of methane hydrates. This resource base is yet to be explored.

Natural gas is the cleanest fossil fuel. Wider use of natural gas will be more benign to the environment compared to some other fuel sources. Natural gas would emit reduced levels of greenhouse gas emissions, and would not contribute to acid rain, smog, solid waste, or water pollution.

We must invest in technologies that help facilitate wider application of natural gas. New technologies such as micro turbines, fuel cells, and other onsite power systems are environmentally attractive. Wider use of these technologies in the private and public sectors must be facilitated. All Federal research and development programs should be reevaluated to provide them with a clear direction. We must boost support for those programs that help replace imported oil.

Transportation demands on imported oil remain as strong as ever. Since the oil shock of the 1970s, all major energy consuming sectors of our economy with the exception of transportation have significantly reduced their dependence on oil. The transportation sector remains almost totally dependent on oil-based motor fuels. The fuel efficiency of our vehicles needs to be improved. At the same time, we must make a concerted effort to encourage development and use of alternative vehicle fuels. Natural gas vehicles should be made an integral part of our transportation sector.

If coal was the energy source of the nineteenth century, and oil was the energy source of the twentieth century, then I submit natural gas can and should be America's source of energy for the twenty-first century.

Americans are demanding an energy system that will guarantee adequate energy for future needs, protect the environment, and protect consumers from exploitation.

We are facing numerous problems related to energy such as runaway prices, shortages, increases in pollution, self-sufficiency, and the effect of energy on our economy. While not a panacea, it is clear to this Senator that increased use

of natural gas must be the center of America's energy strategy.

The American people deserve better than the status quo. Natural gas is America's energy solution.

REMEMBERING THE SACRIFICES MADE FOR FREEDOM

Mr. THURMOND. Mr. President, too often we take our independence for granted, forgetting that countless individuals paid high prices for the privilege of living in a free Nation. Many lost their lives and their families, not to mention their way of life. Recently I received some information from Major George Fisher, Georgia National Guard, regarding the men who signed the Declaration of Independence. Upon having the Congressional Research Service obtain the entire article, I was informed that it had previously been entered in the RECORD by Congressman William L. Springer, Illinois, in July of 1965. The original article was written by T. R. Fehrenbach, an American historian.

In light of the upcoming anniversary of the signing of the Declaration of Independence, I believe that this article is worthy of printing again as a reminder of the sacrifices made for our freedom.

I ask unanimous consent to have printed in the RECORD, ''What Happened to the Men Who Signed the Declaration of Independence.''

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

[From the Congressional Research Service]

WHAT HAPPENED TO THE MEN WHO SIGNED THE DECLARATION OF INDEPENDENCE?

(By T. R. Fehrenbach)

On the 7th of June 1776, a slender, keen-eyed Virginia aristocrat named Richard Henry Lee rose to place a resolution before the Second Continental Congress of the United Colonies of North America, meeting in State House off Chestnut Street, in Philadelphia. Lee had his instructions from the Virginia Assembly, and he would fulfill them, but this was one of the hardest days of his life. The 13 British Colonies of America were already far gone in rebellion against what they considered the tyranny of the English Parliament. The shots heard round the world had been fired at Lexington and Concord; blood had flowed at Breed's Hill in Boston.

Lee still believed there was time to compromise with the British Government. But, acting on instructions of his State, he stood and proposed: ''That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved.''

This was no longer opposition to Parliament. It was revolution against the Crown.

American histories sometimes gloss over the fact that passage of the Declaration of Independence was by no means assured. Many of the men assembled in Philadelphia were at best reluctant rebels. There were many moderates among them, men desperately aware of, and fearful of, the fruits of war. Immediately after Lee made his proposal, a majority of the Congress stood against it. It took 4 days of the passion and brilliance of the Adamses of Massachusetts and other patriots such as Virginian Thomas Jefferson to secure a bare majority of one—and then, on a South Carolina resolution, the matter was postponed until the 1st of July.

Many men hoped it had been postponed forever. But John Adams shrewdly gave Thomas Jefferson—unquestionably the best writer in Congress, and perhaps the man with the fewest political enemies—the task of drafting a declaration of independence, and, meanwhile with his fellow Massachusetts man, John Hancock, set to work. What happened between then and the evening of July 4, 1776, when a vote for adoption of one of the world's great documents was carried unanimously, has filled many books. Some of the story—the quarrels, compromises, controversies, and backroom conferences—as Adams admitted, would never be told.

What happened was that in the course of human events the hour had grown later than many of the gentlemen sitting in Philadelphia had realized. State after State instructed delegates to stand for independence, even though some States held back to the last, and finally four delegates resigned rather than approve such a move.

After 4 world-shaking days in July, Thomas Jefferson's shining document was adopted without a dissenting vote, and on July 4 John Hancock signed it as President of Congress, Charles Thomson, Secretary, attesting. Four days later, July 8, ''freedom was proclaimed throughout the land.''

The Declaration of Independence was ordered engrossed on parchment, and August 2, 1776, was set for its formal signing by the 56 Members of Congress. The actual signing of such a document, under British or any other law of the time, was a formal act of treason against the Crown. But every Member eventually—some were absent on August 2—signed.

What sort of men were these, who pledged their ''lives, fortunes, and sacred honor,'' with a British fleet already at anchor in New York Harbor?

For rebels, they were a strange breed. Almost all of them had a great deal of all three things they pledged. Ben Franklin was the only really old man among them; 18 were still under 40, and three still in their twenties. Twenty-four were jurists or lawyers. Eleven were merchants, and nine were landowners or rich farmers. The rest were doctors, ministers, or politicians. With only a very few exceptions, like Samuel Adams of Massachusetts, whom well-wishers furnished a new suit so he might be presentable in Congress, they were men of substantial property. All but two had families, and the vast majority were men of education and standing. In general, each came from what would now be called the ''power structure'' of his home State. They had security as few men had it in the 18th century.

Each man had far more to lose from revolution than he had to gain from it—except where principle and honor were concerned. It was principle, not property, that brought these men to Philadelphia. In no other light can the American Revolution be understood.

John Hancock, who had inherited a great fortune and who already had a price of 500 pounds on his head, signed in enormous letters, so ''that His Majesty could now read his name without glasses, and could now double the reward.'' There was more than one reference to gallows humor that day in August.

Ben Franklin said, ''Indeed we must all hang together. Otherwise we shall most assuredly hang separately.''

And fat Benjamin Harrison, of Virginia, told tiny Elbridge Gerry of Massachusetts, ''With me it will all be over in a minute. But you, you'll be dancing on air an hour after I'm gone.'' These men knew what they risked. The penalty for treason was death by hanging.

William Ellery, of Rhode Island, was curious to see the signers' faces as they committed this supreme act of courage. He inched his way close to the secretary who held the parchment and watched intently. He saw some men sign quickly, to get it done with, and others dramatically draw the moment out. But in no face, as he said, was he able to discern real fear. Stephen Hopkins, Ellery's colleague from Rhode Island, was a man past 60 and signed with a shaking hand. But he snapped, ''My hand trembles, but my heart does not.''

These men were all human, and therefore fallible. The regionalism, backbiting, worries, nepotism, and controversies among this Congress have all had their chroniclers. Perhaps, as Charles Thomson once admitted, the new nation was ''wholly indebted to the agency at Providence for its successful issue.'' But whether America was made by Providence or men, these 56, each in his own way, represented the genius of the American people, already making something new upon this continent.

Whatever else they did, they formalized what had been a brush-popping revolt and gave it life and meaning, and created a new nation, through one supreme act of courage. Everyone knows what came of the Nation they set in motion that day. Ironically, not many Americans know what became of these men, or even who they were.

Some prospered. Thomas Jefferson and John Adams went on to become Presidents. Samuel Adams, John Hancock, Josiah Bartlett, Oliver Wolcott, Edward Rutledge, Benjamin Harrison and Elbridge Gerry lived to become State Governors. Gerry died in office as Monroe's Vice President. Charles Carroll, of Carrollton, Md., who was the richest man in Congress in 1776, and who risked the most, founded the Baltimore & Ohio Railroad in 1828. Most Americans have heard these names.

Other signers were not so fortunate.

The British even before the list was published, marked down all Members of Congress suspected of having put their names to treason. They all became the objects of vicious manhunts. Some were taken; some, like Jefferson, had narrow escapes. All of those who had families or property in areas where British power flowed during the war which followed, suffered.

None actually was hanged. There were too many Britons, like William Pitt, the old Earl of Chatham, who even during a vicious and brutal war would not have stood for that. But in 1776, the war had almost 8 grueling years to run, and the signers suffered. Their fortunes were caught up in the fortunes of war.

The four delegates from New York State were all men of vast property, and they signed the Declaration with a British fleet standing only miles from their homes. By August 2, 1776, the government of New York had already evacuated New York City for White Plains. When they put their names to the Declaration, the four from New York must have known that they were in effect signing their property away.

The British landed three divisions on Long Island on August 27. In a bloody battle, Washington's untrained militia was driven back to Harlem Heights. British and Hessian soldiers now plundered the mansion of signer Francis Lewis at Whitestone; they set it afire and carried his wife way. Mrs. Lewis was treated with great brutality. Though she was exchanged for two British prisoners through the efforts of Congress, she died

from the effects of what had been done to her.

British troops next occupied the extensive estate of William Floyd, though his wife and children were able to escape across Long Island Sound to Connecticut. Here they lived as refugees for 7 years. Without income, and eventually came home to find a devastated ruin ''despoiled of almost everything but the naked soil.''

Signer Philip Livingston came from a baronial New York family, and Livingston himself had built up an immensely lucrative import business. All his business property in New York City was seized as Washington retreated south to Jersey, and Livingston's town house on Duke street and his country estate on Brooklyn Heights were confiscated. Livingston's family was driven out, becoming homeless refugees, while he himself continued to sell off his remaining property in an effort to maintain the United States credit. Livingstone died in 1778, still working in Congress for the cause.

The fourth New Yorker, Lewis Morris, of Westchester County, saw all his timber, crops and livestock taken, and he was barred from his home for 7 years. He continued fighting as a brigadier general in the New York militia.

As Washington's men commenced their painful retreat across New Jersey, it began to seem that the Revolution would fall. Now American Tories or Loyalists to the Crown began to make themselves known, helping the advancing British and Hessians to ferret out the property and families of the Jersey signers. When John Hart of Trenton risked coming to the bedside of his dying wife, he was betrayed.

Hessians rode after Hart. He escaped into the woods, but the soldiers rampaged over his large farm, tearing down his grist mills, wrecking his house, while Mrs. Hart lay on her deathbed. Hart, a man of 65, was hunted down across the countryside and slept in caves and woods, accompanied only by a dog.

At last, emaciated by hardship and worry, he was able to sneak home. He found his wife long-buried. His 13 children had been taken away. A broken man, John Hart died in 1779 without ever finding his family.

Another New Jersey signer, Abraham Clark, a self-made man, gave two officer sons to the Revolutionary Army. They were captured and sent to the British prison hulk in New York Harbor—the hellship *Jersey*, where 11,000 American captives were to die. The younger Clarks were treated with especial brutality because of their father. One was put in solitary and given no food. The British authorities offered the elder Clark their lives if he would recant and come out for King and Parliament. Over the dry dust of two centuries, Abraham Clark's anguish can only be guessed at as he refused.

When they occupied Princeton, N.J., the British billeted troops in the College of New Jersey's Nassau Hall. Signer Dr. John Witherspoon was president of the college, later called Princeton. The soldiers trampled and burned Witherspoon's fine college library, much of which had been brought from Scotland.

But Witherspoon's good friend, signer Richard Stockton, suffered far worse. Stockton, a State supreme court justice, had rushed back to his estate, Morven, near Princeton, in an effort to evacuate his wife and children. The Stockton family found refuge with friends—but a Tory sympathizer betrayed them. Judge Stockton was pulled from bed in the night and brutally beaten by the arresting soldiers. Then he was thrown into a common jail, where he was deliberately starved.

A horrified Congress finally arranged for Stockton's parole, but not before his health was ruined. Finally the judge was released as an invalid who could no longer harm the British cause. He went back to Morven. He found the estate looted, his furniture and all his personal possessions burned, his library, the finest private library in America, destroyed. His horses had been stolen, and even the hiding place of the family silver had been bullied out of the servants. The house itself still stood; eventually it was to become the official residence of New Jersey's Governors.

Richard Stockton did not live to see the triumph of the Revolution. He soon died, and his family was forced to live off charity.

About this same time, the British sent a party to the home of New Jersey signer Francis Hopkinson at Bordentown, and looted it, also.

By December 1776, Washington's dwindling band of patriots had been pushed across the Delaware, into Pennsylvania. The Revolution had entered its first great period of crisis. One by one, the important people of Philadelphia were mouthing Loyalist sentiments, or concocting private ways of making their peace with the Crown. But signer Robert Morris, the merchant prince of Philadelphia, was not among these. Morris, who had honestly and sincerely opposed the Declaration of Independence because he felt the colonies were unready but who had signed in the end, was working his heart and his credit out for the Revolution. Washington's troops were unprovisioned and unpaid; the United Colonies' credit, such as it was, had collapsed.

Morris used all his great personal wealth and prestige to keep the finances of the Revolution going. More than once he was to be almost solely responsible for keeping Washington in the field, and in December 1776, Morris raised the arms and provisions which made it possible for Washington to cross the Delaware and surprise the Hessian Colonel Rall at Trenton. This first victory, and Washington's subsequent success at Princeton, were probably all that kept the colonies in business.

Morris was to meet Washington's appeals and pleas year after year. In the process, he was to lose 150 ships at sea, and bleed his own fortune and credit almost dry.

In the summer of 1777 the British, who were seemingly always near the point of victory and yet were seemingly always dilatory, landed troops south of Philadelphia, on Chesapeake Bay. These marched north, to defeat Washington at Brandywine and again at Germantown. Congress fled to Baltimore, and Lord Howe took Philadelphia on September 27. On the way, his men despoiled the home of Pennsylvania signer George Clymer in Chester County, Clymer and his family, however, made good their escape.

The family of another signer, Dr. Benjamin Rush, was also forced to flee to Maryland, though Rush himself stayed on as a surgeon with the Army. Rush had several narrow escapes.

Signer John Morton who had long been a Tory in his views, lived in a strongly Loyalist area of the State. When Morton had come out for independence, it turned his neighbors, most of his friends, and even his relatives against him, and these people, who were closest to Morton, ostracized him. He was a sensitive, troubled man, and many observers believed this action killed him. John Morton died in 1777. His last words to his tormentors were, ''Tell them that they will live to see the hour when they shall acknowledge it [the signing] to have been the most glorious service that I ever rendered to my country.''

On the same day Washington retook Trenton, the British captured Newport, R.I. Here, they wantonly destroyed all of Signer William Ellery's property and burned his fine home to the ground.

The grand scheme to separate New England by General Burgoyne's march from Canada was foiled at Saratoga in 1777; this victory eventually brought the French into the war on the American side. But after desultory fighting here and there, by 1779 the British seemed to have the war well in hand. Washington had held a small, professional Continental Army intact, and with European instructors like von Steuben and Lafayette it was being drilled into a compact, disciplined force. Washington was seemingly too weak, however, openly to challenge the heavily armed British forces again. The seaports were captured or blockaded, and American shipping driven from the seas. The northern colonies seemed neutralized, and the British turned their main effort south.

Like the men from New York, the South Carolina signers were all landed aristocrats. They had, as a body, reflected Carolina's luke-warm attitude toward independence. The Carolinians were all young—average age, 29—and all had studied in England. But in the end they had joined the majority in the interest of solidarity, and after signing they had all entered military service.

While serving as a company commander, Thomas Lynch, Jr.'s health broke from privation and exposure. His doctors ordered him to seek a cure in Europe, and on the voyage he and his young wife were drowned at sea.

The other three South Carolina signers, Edward Rutledge, Arthur Middleton, and Thomas Heyward, Jr., were taken by the British in the siege of Charleston. They were carried as prisoners of war to St. Augustine, Fla., and here they were singled out for indignities until they were exchanged at the end of the war. Meanwhile, the British roaming through the southern countryside had made a point of devastating the vast properties and plantations of the Rutledge and Middleton families.

The 2 years beginning in 1779 were the ugliest period of the war. There was sharp fighting in the South, which sometimes devolved into skirmishes and mutual atrocities between Americans for independence and Americans who still stood with the Crown. There had always been strong Loyalist sentiment in the South, as in the Middle Atlantic States; plantations and homes on either side were raided and burned, and women, children, and even slaves were driven into the woods or swamps to die.

The British soon conquered all the thin coastal strip which was 18th century Georgia. Signer Button Gwinnett was killed in a duel in 1777, and Col George Walton, fighting for Savannah, was severely wounded and captured when that city fell. The home of the third Georgia signer, Lyman Hall, was burned and his rice plantation confiscated in the name of the Crown.

One of the North Carolina signers, Joseph Howes, died in Philadelphia while still in Congress, some said from worry and overwork. The home of another, William Hooper, was occupied by the enemy, and his family was driven into hiding.

By 1780 the fortunes of war had begun to change. Local American militia forces defeated the King's men at King's Mountain. Realizing that the war was to be decided in the South, Washington sent Nathanael) Greene dance, as the saying went, with Lt. Gen. Lord Cornwallis, the British commander. Cornwallis did not like the dance at all, and slowly retreated northward toward the Chesapeake. At Yorktown, a Virginia village surrounded on three sides by water, Cornwallis established what he thought was an impregnable base. No matter what happened on land, Cornwallis felt he could always be supplied and rescued, if need be, by sea. It never occurred to the British staff that Britannia might not always rule the waves.

Now began the crucial action of the war, the time Washington had been waiting for with exquisite patience. A powerful French squadron under Admiral de Grasse arrived at the mouth of the Chesapeake from Haiti and gained temporary naval superiority off the Virginia coast. Under carefully coordinated plans, Washington and the French General Rochambeau marched south from New York to Annapolis, where De Grasse transported the allied army across Chesapeake Bay. At the same time, General the Marquis de Lafayette was ordered to march upon Yorktown from his position at Richmond.

By September 1781, Cornwallis and the main British forces in North America found themselves in a trap. French warships were at their rear. Regular forces—not the badly armed and untrained militia the British had pushed around on the battlefield for years—closed in on them from the front. By October 9, Washington's and Rochambeau's armies had dug extensive siege works all around Yorktown, so there could be no escape. Now the bombardment began. The greatest guerrilla war in history was coming to a classic close.

Murderous fire from 70 heavy guns began to destroy Yorktown, piece by piece.

As the bombardment commenced, signer Thomas Nelson of Virginia was at the front in command of the Virginia militia forces. In 1776 Nelson had been an immensely wealthy tobacco planter and merchant in partnership with a man named Reynolds. His home, a stately Georgian mansion, was in Yorktown. As the Revolution began, Nelson said, ''I am a merchant of Yorktown, but I am a Virginian first. Let my trade perish. I call God to witness that if any British troops are landed in the County of York, of which I am lieutenant, I will wait for no orders, but will summon the militia and drive the invaders into the seas.'' Nelson succeeded Thomas Jefferson as Governor of Virginia, and was still Governor in 1781.

Lord Cornwallis and his staff had moved their headquarters into Nelson's home. This was reported by a relative who was allowed to pass through the lines. And while American cannon balls were making a shambles of the town, leaving the mangled bodies of British grenadiers and horses lying bleeding in the streets, the house of Governor Nelson remained untouched.

Nelson asked the gunners: ''Why do you spare my house?''

''Sir, out of respect to you,'' a gunner replied.

''Give me the cannon,'' Nelson roared. At his insistence, the cannon fired on his magnificent house and smashed it.

After 8 days of horrendous bombardment, a British drummer boy and an officer in scarlet coats appeared behind a flag of truce on the British breastplates. The drum began to beat ''The Parley.''

Cornwallis was asking General Washington's terms.

On October 19, the British regulars marched out of Yorktown, their fifes wailing ''The World Turned Upside Down.'' They marched through a mile-long column of French and Americans, stacked their arms, and marched on. It was, as Lord North was to say in England when he heard the news, all over.

But for Thomas Nelson the sacrifice was not quite over. He had raised $2 million for the Revolutionary cause by pledging his own estates. The loans came due; a newer peacetime Congress refused to honor them, and Nelson's property was forfeit. He was never reimbursed.

He died a few years later at the age of 50 living with his large family in a small and modest house.

Another Virginia signer, Carter Braxton, was also ruined. His property, mainly consisting of sailing ships, was seized and never recovered.

These were the men who were later to be called ''reluctant'' rebels. Most of them had not wanted trouble with the Crown. But when they were caught up in it, they had willingly pledged their lives, their fortunes, and their sacred honor for the sake of their country.

It was no idle pledge. Of the 56 who signed the Declaration of Independence, 9 died of wounds or hardships during the war

Five were captured and imprisoned, in each case with brutal treatment.

Several lost wives, sons, or family. One lost his thirteen children. All were, at one time or another, the victims of manhunts, and driven from their homes.

Twelve signers had their houses burned. Seventeen lost everything they owned.

Not one defected or went back on his pledged word.

There honor and the Nation they did so much to create, is still intact.

But freedom, on that first Fourth of July, came high.

ELECTIONS IN ZIMBABWE

Mr. FEINGOLD. Mr. President, I rise to congratulate the people of Zimbabwe on their participation in the historic elections that took place over the weekend. So often, events in Africa are only mentioned on this floor and in the press only in the event of crisis or tragedy. But only days ago, the people of Zimbabwe seized control of their collective destiny and gave the international community a reason to celebrate rather than lament conditions in Africa.

For twenty years, politics in Zimbabwe had been dominated by one party and indeed one man. President Mugabe had the support of all but three members of the 150-seat Parliament. Changes to Zimbabwe's constitution, even when rejected by voters as they were in February, could still be passed through this compliant legislature, enabling the executive to continue to shore up power and ignore the growing chorus of protest from citizens disgusted by corruption and distressed by mismanagement. But this week, the tide turned in Zimbabwe. Without access to the state-run media and without significant financing, opposition candidates still managed to win fifty-eight parliamentary seats and end the ruling party's stranglehold on the state.

Mr. President, the world's attention was focused on Zimbabwe over the weekend because of the disturbing events that led up to the balloting. Opposition candidates and supporters have been intimidated, beaten, and even, in more than 25 cases, killed. International assessment teams have indicated that given this violent preface, these elections were not free and fair.

But as we acknowledge these flaws, even as we recognize the poisoned environment in which citizens of Zimbabwe were called upon to make their choice, we must also appreciate the courage of the voters and the historic changes they have brought to their country. Zimbabwe is still, without question, a country in crisis. But the people of Zimbabwe themselves have taken a decisive step toward resolving that crisis. In the face of violence and intimidation, a remarkable number of voters chose a peaceful and rule-governed expression of their will, and the power in their statement has fundamentally changed the nature of governance in Zimbabwe and silenced the pessimists who claimed that Zimbabwe was already hopeless and lost.

In the wake of these elections, many challenges remain in Zimbabwe. The next round of presidential elections must be conducted in a free, fair, and democratic manner. Genuine, rule-governed land reform must move forward. The economy must be repaired, step by step. Zimbabwe, along with the other African states that have troops in the Democratic Republic of the Congo, must extricate itself from the costly conflict. And perhaps most importantly, government and civil society alike must address the devastating AIDS crisis head-on.

International support and assistance will be critical to these efforts. The Zimbabwe Democracy Act, a bill introduced by Senator FRIST and of which I was an original co-sponsor, recognizes both the obvious need for more progress toward democracy and the rule of law in Zimbabwe, and the need for international support. I hope that the conditions laid out in that bill for resumption of a complete program of bilateral assistance will be met expeditiously. And I am glad that, in the meantime, the bill ensures that U.S. assistance will continue to bolster democratic governance and the rule of law, humanitarian efforts, and land reform programs being conducted outside the auspices of the government of Zimbabwe. This bill has passed the Senate, and I hope that the House will pass it soon, as it contains particularly timely provisions which will assist individuals and institutions who accrue costs of penalties in the pursuit of elective office or democratic reforms.

So again, I extend my congratulations to the people of Zimbabwe on their historic vote, and I urge my colleagues to take note of the potential for real change and real progress that exists within Zimbabwean society and indeed within many of the countries of Africa. Africa is not a hopeless continent. One cannot paint the entire region in the same depressing and fatalistic shades. And Mr. President, I intend to come to this floor to highlight the promise and the achievements of the diverse region in the remaining weeks of this session, in an effort to counter the lazy, misguided analysis that suggests we should wash our hands of engagement with this remarkable part of the world.

THE MICROSOFT CASE

Mr. CRAIG. Mr. President, Judge Learned Hand once observed: ''The successful competitor, having been urged

to compete, must not be turned upon when he wins.''

For Microsoft and the rest of our domestic high-tech industry, it may be too late to heed Judge Hand's warning.

Whatever justification the Justice Department used for its actions against Microsoft, the real measure of success in the Microsoft case is how it affects American consumers and the American economy.

From their perspective, the verdict is clear: The Justice Department's suit against Microsoft is bad for consumers, bad for high-tech markets, and bad for the country.

Mr. President, our anti-trust laws are unlike health and safety regulations. Their purpose isn't to protect the physical well being of citizens, but rather their pocketbooks.

Like other forms of economic regulation, a successful effort requires two conditions. First, there must exist a market failure. Second, the government must be in a position to fix that market failure.

The case against Microsoft fails both conditions. Our domestic computer markets are working just fine. For thirty years, they have been characterized by falling prices, rising performance, and increased choice:

According to the Commerce Department, quality-adjusted prices for computer memory chips have declined 20 percent per year since 1985;

A chip that sold for $1778 in 1974 cost just 47 cents in 1996; and according to the CBO, software prices have been falling between 3 and 15 percent per year on average.

Meanwhile, new products are being introduced every day. There are currently over 25,000 applications designed to run on Windows, yet the fastest growing segment of the market includes so-called ''Microsoft-Free'' applications.

Mr. President, I am one of the most computer illiterate members of the United States Senate, but I can pull airline flight information off the internet faster than anybody here. I use my Palm Pilot to do it. The Palm Pilot doesn't have any Microsoft products in it. You can browse the internet with your cell phone too. Again, no Microsoft.

And just recently, Linux-based software writer Red Hat announced a partnership with Dell Computer to accelerate the commercial adoption of the Linux operating system. This new system would compete directly with Windows-based computers.

Lower prices, better performance, increased choice—Mr. President, there is no market failure in our domestic computer industry. To suggest otherwise doesn't pass the laugh test.

Nor does the suggestion that consumers are better off following Judge Jackson's ruling. All the evidence suggests just the opposite.

One unique aspect of today's economy is that America's consumers are also America's owners. Fully one-half of American families own stock in American companies. Those families have been hurt by the Microsoft case.

On April 3, Judge Jackson issued his finding of law. That day, the Nasdaq stock index crashed. It fell a record 349 points. That's a loss to Americans of about $450 billion—or about 5 percent of our national income.

Gone, in one day.

Mr. President, a basic premise of anti-trust action is to defend consumers. We want to protect competition, not competitors.

Yet, in the Microsoft case, it was the competition that pointed the finger. Actual consumers were notably absent. So how did the markets treat Microsoft's competition following Judge Jackson's ruling? Poorly.

Of the companies that testified against Microsoft—Intel, IBM, Compaq, Oracle, AOL, Sun Microsystems, Intuit, Apple, and Gateway—only one saw its stock rise in the month following the Judge's ruling. Every other stock had dropped, some by as much as 30 percent.

This decline is no coincidence. According to a study recently published in the Journal of Financial Economics, whenever the government's antitrust suit has scored a victory against Microsoft, an index of non-Microsoft computer stocks falls. When Microsoft wins a round, those computer stocks rise.

Judge Jackson may have ruled against Microsoft, but the markets have ruled against government interference in the New Economy.

Mr. President, the only monopoly consumers need to worry about in the Microsoft case is the monopoly government regulation has over private industry.

Having stood on the sidelines while American's high-tech community led the American economy into the twenty-first century, the government is now stepping in and telling those same corporations how to run their business.

Economic regulation used to be popular in Washington, DC. At one point in the late 1970s, the federal government controlled the pricing and market access of all our transportation industries—trucking, airlines, rail, and pipeline—as well as the energy industry.

Today, those regulations are gone, and we are all better off. The last twenty years of economic growth and prosperity demonstrates that those regulations did the economy more harm than good.

In many ways, our anti-trust laws are the last toe-hold of economic regulation in the federal code.

Unfortunately, it's a growing toe-hold. The number of investigations by the Justice Department under our anti-trust laws has exploded in recent years, rising from 134 in 1995 to 276 in 1997.

Which begs the question, who's next?

Now that the Justice Department has been turned loose, who are the other innovative companies that might want to ensure that their lawyer's retainers are fully paid?

Intel: With a market share of 80 percent, Intel is by far the leader in sales of the microprocessor market for PCs. While this lead seems reasonable, since Intel invented the first microprocessor in 1971, innovation isn't a defense in anti-trust law. Intel's profit margins have exceeded 20 percent for the past five years.

AOL: With almost 25 million online subscribers, AOL is the clear worldwide leader in online services. Investor Research says: ''The service has continued to make significant gains in the number of customers, despite charging a monthly fee of $21.95 that is higher than the industry's standard fee of $19.95.'' Do higher fees indicate monopoly rents?

Cisco: Cisco Systems is the world's largest supplier of high performance computer internetworking systems. It supplies the majority of networking gear used for the internet. According to Investor Research: ''Demand for switches is being driven by a need for greater bandwidth by corporate users: Cisco dominates this market.'' Mr. President, the term dominates is bad in the anti-trust world.

EBAY: EBAY operates the world's largest person-to-person online trading community, with more than 10 million registered users and 3 million items listed for sale. You can purchase antiques, coins, collectibles, computers, memorabilia, stamps, and toys on EBAY from other individuals. Profit Margins: 70 percent plus. Seven Zero.

One irony in the Microsoft case is that Netscape, the frequently cited ''victim'' in the case against Microsoft, was in 1996 clearly a monopoly player in its own right, with over 80 percent of the browser market. Now, Netscape is owned by AOL, another monopoly-sized player.

America's high tech community used to shun government interference. They would be smart to continue to do so. The companies that encouraged the Microsoft lawsuit made a Faustian bargain. Now that the government has focused on this industry, it may be difficult to turn its attention elsewhere.

That's too bad. The case against Microsoft has hurt the high tech community where it counts—in its pocketbook. But the full cost of this ill-advised attack remains to be seen. Right now, America stands alone atop the New Economy. Increased government intervention is a good way to ensure that dominance doesn't last.

THE TRUTHFULNESS, RESPONSIBILITY AND ACCOUNTABILITY IN CONTRACTING ACT

Mr. ROBB. Mr. President, I am pleased to be joined by several of my colleagues in support of the Truthfulness, Responsibility and Accountability in Contracting Act, or the TRAC Act. We look forward to dropping our bill when the Senate returns from the July 4th recess.

The TRAC Act simply stated, seeks the best value for the federal dollar. Its main objectives are instituting public-private competition and tracking costs. My colleagues and I agree that improvements to service contracting should be made, and this bill is one way to achieve that.

Our bill directs federal agency certification before entering into new contracts. These standards include establishing agency-wide reporting systems to report contracting efforts; requiring public-private competition; and reviewing contractor work and recompeting that work if appropriate.

Why the new standards? So we can better ascertain what the federal government is spending for government services. David Walker, Comptroller General for the General Accounting Office, stated recently in a June 1st Washington Post piece by David Broder that ''. . . it is not clear that the remaining federal employees are capable of monitoring the cost and quality of the outsourced activities.'' The ability to monitor costs is essential if the Congress is to exercise proper oversight of federal funds spent to carry out services by either contractors or federal employees.

We also want to ensure an even playing field between contractors and federal employees when competing for work. The public-private competitions required by the TRAC Act will determine how best the federal government can save money on its many critical services. Our bill doesn't guarantee any pre-determined outcome in a public-private competition, but rather ensures that these competitions occur.

Contractors have historically played a role in delivering government services and will continue to do so. Therefore, our bill will allow the federal agencies to see who completes work most effectively, regardless of who delivers the service.

EXPIRATION OF CHAPTER 12 OF THE BANKRUPTCY CODE

Mr. GRASSLEY. Mr. President, at this time, I am seeking recognition in order to call to my colleagues' attention something that will happen today. At midnight today, bankruptcy protections for family farmers will disappear. Chapter 12 of the Bankruptcy Code will expire. And America's family farming operation will be exposed to foreclosure and possible forced auctions. I think this will be a clear failure on the part of the Congress and the President to do their duty. How did we get here? After all, the Senate and House have passed bankruptcy reform bills which made chapter 12 permanent. But a small minority of Senators who oppose bankruptcy reform have apparently decided that they would rather see America's family farmers with no last-ditch safety net than let the House and Senate even convene a conference committee in order to get the two bills reconciled.

But even with these stall tactics, the House and Senate have met informally to resolve the bankruptcy bills. The informal agreement, of course, will make chapter 12 permanent. If we were allowed to pass this bill, America's family farmers would never again face the prospect of having no bankruptcy protections.

That's right Mr. President, we have the power right now to give family farmers last-ditch protection against foreclosures and forced sales. But, some of our more liberal friends won't let that happen. Some members of this body have just decided to play political chess games with bankruptcy reform, and they're willing to use family farmers as pawns to be expended in pursuit of some larger goal.

Mr. President, with the sluggishness we have in the farm sector, I think it's just plain wrong to play games with family farmers. Senator LOTT and the Republican leadership have tried to move the bankruptcy bill repeatedly and have been stymied every step of the way. We need to help our family farmers, not play games with their futures. The opponents of bankruptcy reform have resorted to tactics which are morally bankrupt.

Mr. President, back in the mid-1980's when Iowa was in the midst of another devastating farm crisis, I wrote chapter 12 to make sure that family farmers would receive a fair shake when dealing with the banks and the Federal Government. At that time, I didn't know if chapter 12 was going to work or not, so it was only enacted on a temporary basis.

Chapter 12 has been an unmitigated success. As a result of chapter 12, many farmers who once faced total financial ruin are still farming and contributing to America's economy. As was the case in the dark days of the mid-1980s, some are again predicting that farming operations should be consolidated and we should turn to corporate farming to supply our food and agricultural products. As with the 1980s, some people seem to think that family farms are inefficient relics which should be allowed to go out of business. This would mean the end of an important part of our Nation's heritage. And it would put many hard working American families—those who farm and those whose jobs depend on a healthy agricultural sector—out of work.

But the family farm didn't disappear in the 1980s, and I believe that chapter 12 is a major reason for the survival of many financially troubled family farms. An Iowa State University study prepared by professor Neil Harl found that 85 percent of the Iowa farmers who used chapter 12 were able to continue farming. That's real jobs for all sorts of Iowans in agriculture and in industries which depend on agriculture. According to the same study, 63 percent of the farmers who used chapter 12 found it helpful in getting them back on their feet. In short, I think it's fair to say that chapter 12 worked in the mid 1980s, and it should be made permanent so that family farmers in trouble today can get breathing room and a fresh start if that's what they need to make it. It's shameful that some Senators who know better are continuing to play politics and deny a fresh start to family farmers.

But the bankruptcy reform bill doesn't just make chapter 12 permanent. Instead, the bill makes improvements to chapter 12 so it will be more accessible and helpful for farmers. First, the definition of family farmers is widened so that more farmers can qualify for chapter 12 bankruptcy protections. Second, and perhaps most importantly, the House and Senate agreed to reduce the priority of capital gains tax liabilities for farm assets sold as a part of a chapter 12 reorganization plan. This will have the beneficial effect of allowing cash-strapped farmers to sell livestock, grain and other farm assets to generate cash flow when liquidity is essential to maintaining a farming operation. Together, these reforms will make chapter 12 even more effective in protecting America's family farms during this difficult period.

Mr. President, it's imperative that we keep chapter 12 alive. Before we had chapter 12, banks held a veto over reorganization plans. They wouldn't negotiate with farmers, and the farmer would be forced to auction off the farm, even if the farm had been in the family for generations. Now, because of chapter 12, the banks are willing to come to terms. We must pass the bankruptcy reform bill to make sure that America's family farms have a fighting chance to reorganize their financial affairs.

DISCLOSURE BY SECTION 527 ORGANIZATIONS

Mr. MURKOWSKI. Mr. President, throughout the rancorous campaign finance reform debate I have consistently argued that the only reasonable solution rests in increased disclosure and the active enforcement of current laws. For this reason, I voted in support of H.R. 4762—legislation requiring 527 organizations to disclose their political activities and supporters.

I want to unequivocally state, however, that I believe this bill is only the first step towards complete disclosure and accountability in campaign financing. Financing laws must be fair, and they must be universal. Disclosure requirements must be extended to other tax-free organizations as well, namely Internal Revenue Code 501(c) groups that have actively participated in local and national elections.

What is the benefit of disclosure laws if they do not apply to all? I suggest that unbalanced and incomplete restrictions will only enhance efforts to manipulate campaign financing laws. 527 groups will, essentially, be encouraged to pack up shop and re-emerge as 501(c) groups. Quickly, they will be able to continue their efforts to influence elections with limited disclosure requirements. Clearly, more reform must be done.

For this reason, I urge this body to move forward and extend disclosure requirements to 501(c) organizations. I doubt anyone would suggest that 501(c)(4) civic groups have not made efforts to express a political message. Earlier this year, one 501(c)(5) labor union openly professed its intention to spend tens of millions of dollars to influence House elections. And our nation's media has been awash with efforts by 501(c)(6) corporations to convey their political messages. Yet, our financing system fails to require these groups to provide expenditure and donor information. This is wrong.

Recently, I cast a vote that would seem to be in conflict with my support of H.R. 4762. I voted against similar language in an amendment to the Department of Defense Authorization bill. It is important to note, however, that my vote was on a constitutional point of order. If the Section 527 amendment was included in the Defense bill, it would have converted the bill into a revenue measure originating in the Senate and caused the defense authorization bill to be blue-slipped—essentially killed—when it is sent to the House. This is not a matter of mere semantics, it is mandated by the Constitution. Regardless of the legislation's merits, as a senator I must uphold the Constitution. My vote reflects this duty.

But with H.R. 4762, the procedural obstructions were removed. I support active disclosure in our campaign financing system. By making contributions public, the American people can decide for themselves who they want to support. When issue ads from supposedly public interest groups are aired, the American public can now find out who is funding these ads. For example, we may now be able to learn whether ads for so-called environmental causes are actually being financed by members of OPEC who want to maintain their monopoly and prevent us from exploring for oil in the U.S.

I hope that we will soon extend the disclosure requirements to other organizations so that the American public can truly know who finances the public relations campaigns that influence our modern elections.

Mr. President, a word of caution is in order. I am sensitive to the legitimate needs of private citizens to criticize government without fear of retaliation. We must never forget that we are the nation of Alexander Hamilton, John Jay, and James Madison. The very men who wrote under the anonymous name of ''Publius,'' shaping our government through the Federalist Papers. Would such thought and expression have survived if the cloak of anonymity was removed? Political speech is free speech, and private citizens who have not sought preferred tax status should not be limited in their rights of expression, their freedom to associate, or their right to privacy.

Somewhere, the proper balance between complete disclosure and the right to free expression resides. I believe H.R. 4762 is a good first step in striking this balance. Clearly, those who expect tax preferred status to advocate their political message are within the grasp of disclosure laws. I reiterate my support for full disclosure, and once again call for quick action upon more comprehensive disclosure legislation.

NOMINATION OF DONALD MANCUSO

Mr. GRASSLEY. Mr. President, I would like to take a moment today to tell my colleagues why I oppose the nomination of Mr. Donald Mancuso.

I would like my colleagues to understand why I have placed a hold on Mr. Mancuso's nomination.

Mr. Mancuso has been nominated to be the Inspector General (IG) at the Department of Defense (DOD).

Mr. President, over the years, I have made a habit out of watching the watchdogs. I have tried hard to make sure the IG's do their job. I want the IG's to be a bunch of junk yard dogs when it comes to overseeing their respective departments.

In doing this oversight work, I have learned one important lesson: the IG's must be beyond reproach.

Now that Mr. Mancuso's nomination has been submitted to the Senate for confirmation, this is the question we—in this body—must wrestle with:

Does Mr. Mancuso meet that standard?

Is Mr. Mancuso beyond reproach?

That's the question now before the Senate.

I have to ask myself that question because of something that happened a year ago.

In June 1999, a former agent from the Defense Criminal Investigative Service or DCIS walked into my office. He made a number of very serious allegations of misconduct about senior DCIS officials, including Mr. Mancuso.

And he had a huge bag full of documents to back them up.

Mr. Mancuso was the Director of DCIS from 1988 until 1997 when he became the Deputy DOD IG.

Mr. Mancuso was the Pentagon's top cop. He was in charge of the DOD IG's criminal investigative bureau. He was a senior federal law enforcement officer.

The allegations were very serious.

Many concerned Mr. Mancuso's internal affairs unit.

It was alleged that an agent assigned to the internal affairs unit had a history of falsifying reports to damage the reputation of fellow agents.

It was further alleged that Mr. Mancuso was aware of this problem yet failed to take appropriate corrective action.

It was alleged that Mr. Mancuso personally approved a series actions to protect a senior deputy who was under investigation for passport fraud.

It was alleged that Mr. Mancuso and the senior deputy were close personal friends.

The senior deputy happened to be in charge of the internal affairs unit. While head of that unit, this person is suspected of committing about 12 overt acts of fraud. He was eventually convicted and sent to jail.

Mr. Mancuso allegedly took extraordinary measures to shield this individual from the full weight of the law and departmental regulations.

It was also alleged that Mr. Mancuso engaged in retaliation and other prohibited personnel practices.

The Majority Staff on my Judiciary Subcommittee on Administrative Oversight and the Courts conducted a very careful examination of the allegations.

The results of this investigation were presented in a Majority Staff Report issued in October 1999.

Mr. President, I came to the floor on November 2, 1999 to discuss the contents of the report.

All supporting documentation—and there was a mountain of material—was simultaneously placed on the Judiciary Committee's web site.

The Majority Staff Report substantiated some of the allegations involving DCIS officials, including Mr. Mancuso.

I also sent a copy of the report and supporting documentation to Secretary of Defense Cohen.

Mr. President, I also wanted to be certain that my friend, Senator WARNER, Chairman of the Armed Services Committee, and my friend Senator THOMPSON, Chairman of the Governmental Affairs Committee, were up to speed on this issue.

I have continued sending them material as the case has developed.

I want them to be informed about what I am doing and where I am headed with Mr. Mancuso's nomination.

Mr. President, after the staff report was issued, my office was inundated with phone calls from current and former DCIS agents with new allegations of misconduct by Mr. Mancuso and others.

The Majority Staff has investigated some of the new allegations, as well. Some have been substantiated and some have not.

The new findings have been summarized in letter reports.

Those have been shared with Secretary Cohen.

And I met with the new Deputy Secretary, Mr. Rudy de Leon, on May 24th to express my concerns about the allegations involving Mr. Mancuso.

Mr. President, I am not alone in raising questions about Mr. Mancuso's conduct.

At least six other government entities believe that the allegations are serious enough to warrant further investigation. These include:

Chief of the Criminal Division, Eastern District of Virginia

Integrity Committee of the President's Council on Integrity and Efficiency

Public Integrity Section at the Justice Department

Inspector General, Department of the Treasury

U.S. Office of Special Counsel
Inspector General, General Services Administration

Most of these investigations are ongoing. However, at least one has been completed.

The Inspector General at the Treasury Department has corroborated some of the facts and conclusions in the Majority Staff Report.

I also know that the U.S. Attorney, who prosecuted Mr. Mancuso's senior deputy for passport fraud, is very unhappy with Mr. Mancuso's conduct in that case.

The U.S. Attorney has characterized Mr. Mancuso's conduct in that case as: ''egregious and unethical.''

Mr. President, at this point, there are just too many unanswered and unresolved questions bearing on the allegations.

I think it would be accurate to say the case against Mr. Mancuso would not stand up in a court of law.

Successfully meeting that test, however, does not mean that Mr. Mancuso is ready to be the Pentagon's Inspector General.

The IG's must meet a much higher standard.

The IG must be beyond reproach.

Having questions about judgment and appearance—like in Mr. Mancuso's case—is not beyond reproach.

Mr. President, I will have much more to say about this at a later date.

I yield the floor.

THE MINNESOTA FLOODS OF 2000

Mr. GRAMS. Mr. President, I rise today to discuss the devastating storms of last week that are affecting much of northwestern Minnesota. We are experiencing some of the worst flash flooding in over 100 years. These storms dumped more than 7 inches of rain in the Moorhead, Minnesota and Fargo, North Dakota area in an eight-hour period, swamping hundreds of basements, and streets, and acres of farm land.

This past weekend, I had the opportunity to see first hand the effects of the storm when I visited the communities of Ada, Borup, Perley, Hendrum, and Moorhead. Actually, I had originally planned before the storm on being in the area to celebrate the grand opening of the Ada Hospital following its destruction during the Floods of 1997. Just three short years ago, Ada was hit with the worst flooding in 500 years. They are still recovering from that flood.

How do you explain floods like these? They don't just happen once in a while contrary to reports of 100 or even 500-year floods, they've been happening every year in northwestern Minnesota. Last year, Ada experienced severe hail storms and a Labor Day flood. In 1998, there were three floods in February, May and June. In 1997, of course, there was the huge flood in the Red River Valley.

Swollen from the heavy rains, the Wild Rice River became a huge pool of water 25 miles wide and 30 miles long that flowed steadily overland through northwestern Minnesota, drowning millions of dollars worth of crops in its path. The pool developed as heavy runoff collected at higher elevations in Becker and Mahnomen counties, then flowed into the Red River Valley toward Ada. You have to realize that this land is very flat, dropping only about one foot per mile, so the water moves slowly, but causes severe crop damage. Several rivers converge and flood prevention measures have failed to funnel excess water into the Red River. I intend to work with representatives from the watershed districts, and the Army Corps of Engineers to see whether past flood control measures have resulted in what has become constant flooding in this area of northwest Minnesota and what can be done to alleviate this problem in the future. I saw fields with three or four feet of water that had been planted with wheat, soybeans, and sugar beets earlier this year. Now, these crops are all destroyed, and the stench of rotting crops has begun.

Earlier this week, Governor Ventura declared this area a state of emergency so that federal, state and local emergency management officials can work together to assess the damage and see whether federal assistance will be required. As if this wasn't enough, eight counties in southeastern Minnesota were declared emergency areas and Governor Ventura has asked the federal government for money to help with their recovery following rainstorms of May 17th. I was happy to support the Governor's request and to learn that President Clinton has declared this region a disaster so that they are eligible for federal funding. This region of Minnesota received 5 to 7 inches of rain on May 17th, followed by another heavy storm May 31. Since then, even small rainfalls have resulted in overflows and drainage problems.

It's too early to tell the extent of the damage in northwestern Minnesota. Preliminary estimates include damage to 430 houses, primarily in the Moorhead area, and $10 million damage to crops in Becker and Mahnomen counties.

But losses will go much higher. The greatest crop damage appears to be in Clay and Norman counties. There, crops have been damaged or destroyed on more than 500 square miles of land, according to county officials. That could mean $50 million in lost crops, and half that again in out-of-pocket planting costs.

Flooding remains a serious blow to farmers in Minnesota. There are about 300 commercial farmers left in Norman County in northwestern Minnesota. They've been losing 20 or 30 farms every year recently. It's too late to plant any cash crops in that part of the state. Some farmers will plant a ''cover crop'' to control erosion; others simply will try to control weeds and start planning for next year.

As in every disaster that my state has faced, I've been inspired once again by the people of Minnesota, who rally together for their communities when tragedy strikes. It's during critical times such as these that we finally understand the importance of neighbor helping neighbor. At a time when we all too often fail to make the effort to get to know and appreciate our neighbors, Minnesotans in a great many of our communities have formed lasting bonds over this past week and found their civic spirit has been restored.

Mr. President, I intend to work with Governor Ventura to examine the need for federal funding to help those Minnesotans devastated by this most recent flooding. I also want to work with the Governor, the Farm Services Administration, and the Department of Agriculture in anticipation of federal funding needs for farmers who have had severe crop losses. I stand together with my colleagues in the Minnesota delegation, and with our colleagues from North Dakota who are facing destruction in their states equal to our own. When disaster strikes, we are not Republicans or Democrats. We are representatives of the people, and we will do whatever we must to protect our citizens when their lives, homes and property are threatened.

THE PRESIDENT'S ROADLESS INITIATIVE

Mr. SMITH of Oregon. Mr. President, I come to the floor of the Senate this week as the Forest Service has launched a series of meetings in my state and around the country to solicit comments on the Administration's proposed roadless initiative. I want to encourage Oregonians to send in their comments and attend these meetings to make their voices heard.

I am concerned that so many of my constituents will not take part in this comment period in part because they believe that this roadless policy is a foregone conclusion. Frankly, I don't think the Forest Service did much to change those feelings by including language in its draft Environmental Impact Statement (EIS), which characterized loggers, mill workers, and people in the timber products industry in general as uneducated, opportunistic, and unable to adapt to change. Many Oregonians, not just those in resource industries, were offended by this.

I understand that the Administration has subsequently apologized, but I am afraid this incident only added to the feeling held by many Oregonians that the decisions about this roadless plan have already been made. So I want to take this opportunity today to outline some of my concerns about this roadless initiative and to encourage other Oregonians to take advantage of the remaining weeks of this public comment period to do the same.

Mr. President, the management of the roadless areas in our National Forest System has been the subject of debate for many years. We had the RARE I (Roadless Area Review and Evaluation) process in the early 1970s leading

to inventories and analysis of the large roadless areas in our National Forests. Then we had RARE II under the Carter Administration.

That process was followed by a number of state-specific bills, such as the Oregon Wilderness Act of 1984, where roadless areas that were suitable for wilderness protection were so designated and other roadless areas were to be released for multiple uses. Despite the growth of the wilderness system in this country, the management of other roadless areas has remained controversial.

Now this Administration has proposed a roadless initiative that would permanently ban road construction from some 43 million acres of inventoried roadless areas. In addition, this draft EIS calls for each Forest, upon its periodic Forest Plan revision, to protect additional roadless areas, often referred to as uninventoried roadless areas. No one, not even the Forest Service, seems to know how many millions of acres that may ultimately be. So the President is proposing setting aside an additional 45 to 60 million acres of the National Forest system on top of the 35 million acres that are already designated as wilderness areas. Let me remind my colleagues that the entire National Forest System is 192 million acres and that there are numerous riparian areas and wildlife buffer zones that are also off limits to road construction. So we may well have more than half of our National Forest System permanently set aside and inaccessible to most of the public by the time this Administration is through.

What is even more alarming to me is the position of the Vice President on this issue. In a speech to the League of Conservation Voters last month, AL GORE said the Administration's preferred alternative does not go far enough. Perhaps Mr. GORE's ''Progress and Prosperity'' tour should make a few stops in rural Oregon so he can see first-hand the results of eight years of passive management of our federal lands—double digit unemployment and four day school weeks. As part of the Administration that is writing this rule and is supposedly keeping an open mind while taking comments from the public this month, it seems a bit premature for the Vice President to speak so favorably of an alternative that is ostensibly still being reviewed. I know the Chairman of the Senate Energy Committee and the Chairman of the House Resources Committee have requested the Vice President recuse himself from the rest of this rule-making process. I agree with the Chairmen and hope the Vice President will try to restore the public's confidence that this rule-making is not predetermined and that it is open, as required by law, to the comments and suggestions of the public.

Mr. President, some of my colleagues may ask why new roads may be needed in the National Forest System. There are many reasons, but perhaps the most urgent purpose is forest health.

A century of fire suppression followed by years of inactive forest management under this Administration have left our National Forest System overstocked with underbrush and unnaturally dense tree stands that are now at risk of catastrophic wildfire. The GAO recently found that at least 39 million acres of the National Forest System are at high risk for catastrophic fire. According to the Forest Service, 26 million acres are at risk from insects and disease infestations as well. The built up fuel loads in these forests create abnormally hot wildfires that are extremely difficult to control. This year's fires in New Mexico have given us a preview of what is to come throughout our National Forest System if we continue this Administration's policy of passive forest management.

To prevent catastrophic fire and widespread insect infestation and disease outbreaks, these forests need to be treated. The underbrush needs to be removed. The forests must be thinned to allow the remaining trees to grow more rapidly and more naturally. While some of this work can be done without roads, roads are many times required in order to carry out this necessary work. Yet this Administration apparently wants to make it more difficult to address these problems, more difficult to stop fires like those in New Mexico before they start. And the Vice President wants to go even further than that.

Why else are roads needed in the National Forest System? Forest roads provide millions of Americans with access to the National Forests for recreational purposes. With the Forest Service predicting tremendous increases in recreational visits to the National Forest System in the coming years, shouldn't there at least be a thorough examination of how this roadless plan will affect the remaining areas of our National Forests, which will apparently have to absorb most of these new visitors? And what about the needs of seniors and disabled visitors? Compounding the problem, this Administration will be decommissioning many roads currently used by recreational visitors. In its rush to complete this sweeping rule, this Administration does not seem to have the time to examine seriously the impacts of steering more and more recreational visitors to a smaller percentage of the Forest System.

Mr. President, I am also concerned about how this roadless initiative is supposed to interact with the Northwest Forest Plan. Last year, I came to the floor of the Senate and I expressed concerns about this Administration's forestry policies and its weak implementation of its own plan that was supposed to lay the groundwork for a cooperative resolution to the timber disputes of the early 1990s. Unfortunately, as our federal agencies scour the forests to survey for mosses, we continue to have gridlock in the Northwest, with none of the promised sustainable and predictable timber harvests in sight. So how much confidence does this Administration have in its own Northwest Forest Plan? By reading its roadless proposal, the answer is ''not much.'' Clinton's Northwest Forest Plan has thorough standards and guidelines for activities in the forests covered by the plan, including roadbuilding. This Administration had previously exempted the Northwest Forest Plan forests from its road building moratoriums because it was still clinging to the notion that its plan was the model for forestry policy in the future. Unlike those temporary moratoria, however, the Administration's roadless initiative makes no exception for the forests covered by the Northwest Forest Plan. To me, this suggests that even this Administration is acknowledging what many in the Northwest have said for some time: The Clinton Forest Plan is a failure. Rural Oregon already knew that. Now with this roadless proposal, this Administration will only make it harder for any future Administration to keep its promises under the Northwest Forest Plan. This fact is most obvious in the town of Klamath Falls in southern Oregon. Like many towns in the Northwest surrounded by federal lands, Klamath Falls was encouraged by this Administration to create jobs and economic growth through recreation and ecotourism in order to compensate for the loss of the timber jobs. Of course, it is difficult to find substitutes for the family wage jobs that the timber industry once provided for these towns. Nevertheless, rural Oregon has tried to diversify its economy.

More than three years ago, developers and community leaders in Klamath Falls embarked upon the arduous process of obtaining a special use permit to launch a winter recreation area at Pelican Butte in the nearby Winema National Forest. Millions of dollars were spent and countless hours were invested by everyone from the local forest service, to the developers, to the local government and the community as a whole. A final Environmental Impact Statement and Record of Decision are due next year. Now, due to the fact that Pelican Butte will require three miles of road in a currently inventoried roadless area, the Administration's roadless initiative will effectively kill the plan. In its zeal to complete this plan before leaving office, this Administration apparently does not want to take the time to make reasonable accommodations for proposals that have been in the pipeline for years. Never mind the fact that the Pelican Butte project will result in a net decrease in road mileage on National Forest lands. Never mind the fact that Oregonians were told by this Administration to go and find other means to develop their economy outside of timber. The message to Oregonians is clear: If the roadless plan is to be concluded before President Clinton leaves office, there is

no time to spare to consider the effort and good will invested by the people of Klamath Falls in the Pelican Butte proposal. The fact is that this Administration doesn't care how many rural communities are left in the dust by this regulatory juggernaut.

Mr. President, all of this is very discouraging for Oregonians who have a sense this Administration has already made up its mind on this roadless initiative. It is my understanding that many of my constituents have just received copies of this draft EIS in the last few days—with half of the brief comment period already expired. Nevertheless, from the floor of the Senate today, I am pleading with my constituents to get out there during this comment period and make their voices heard. This rulemaking is too significant for Oregonians to be silent.

Mr. President, I agree with this Administration that we need a long-term resolution to the management of our roadless areas. But common sense tells us that what is needed and appropriate for one area may not be sound stewardship for another. With this roadless initiative, this Administration is talking about setting aside in one broad stroke millions of acres that are supposed to be held in trust for all Americans. Even worse, this plan is being rushed through a truncated public comment process in order to accommodate an artificial political deadline. This isn't the way to manage our precious natural resources and this isn't the way to treat our rural communities. The management of these roadless areas is a complicated question, and it deserves more than the simple answer being force-fed to us by this Administration.

PRESCRIPTION DRUGS UNDER MEDICARE

Mr. GRAMS. Mr. President, I come to the floor today to discuss an issue that has become increasingly important to many in Congress. As an early sponsor of legislation to provide prescription drug coverage under Medicare, I am pleased there has been progress in reaching an agreement among many proposals to provide prescription drug benefits to seniors.

Medicare recently celebrated its 35th anniversary. As with most things in life this program is now starting to show its age. Still being administered under a model developed in 1965, Medicare is quickly becoming antiquated and blind to the many advances in modern medicine. We all know prescription drugs play an increasingly important role in the health of our nation.

There are countless examples of drugs which now allow us to live longer, more productive lives. Drugs to control blood pressure, lower cholesterol, or mitigate the effects of a stroke are a few which demonstrate the measurable impact research and development can have on improving our lives. Unfortunately, the Medicare program has not progressed as rapidly as medicine.

To that end, I introduced the Medicare Ensuring Prescription Drugs for Seniors Act, or MEDS. My bill was an early attempt to heighten the debate surrounding prescription drugs, and at the same time provide a plan that would address the needs of the nearly one third of senior citizens in this country who currently lack any form of prescription coverage. We have all heard the frightening stories of the choices that many seniors are forced to make when it comes to paying for prescription drugs. Unfortunately, many of these stories have been politicized and used to stir the political cauldron over the past several months. But the reality is that decisions between food, shelter, and medicine are all too common among our neediest seniors. MEDS was introduced to help these people.

My plan would add a prescription benefit under the already existing Part B of Medicare, without creating or adding any new overly bureaucratic component to the Medicare program. It works like this: The part B beneficiary would have the opportunity to access the benefit as long as they were Medicare eligible. Those with incomes below 135 percent of the nation's poverty level would be provided the benefit without a deductible and would only be responsible for a 25 percent copayment for all approved medications.

My bill also provides relief for seniors above the 135 percent income threshold who may face overwhelming drug costs because of the number of prescriptions they take or the relative costs of them, by paying for 75 percent of the costs after a $150 monthly deductible is met. Most importantly, this voluntary benefit does not have a treatment cap. Unlike both the President's plan and others currently being debated in Congress, MEDS covers all participating beneficiaries no matter what level of monthly or annual drug expenditure they incur and does not abandon seniors when they need help the most.

The House of Representatives narrowly passed a prescription drug bill that subsidizes the insurance industry and attempts to ensure coverage in all areas of the country—a difficult if not impossible task. The biggest problem with this approach is that the insurance industry has stated that it wouldn't be able or willing to provide these types of ''stand alone'' policies no matter how much of a subsidy they receive. Trying to establish an enormously expensive and administratively difficult plan built on the mere hope that the insurance industry will change its mind, is simply too big a risk to take when it comes to our nations seniors.

The House bill would establish a new outside agency through the Department of Health and Human Services to administer the plan. Not only will this compound the problem of administration, implementation and increasing federal bureaucracy, but it also actually delays benefits that will help our seniors today. There is no way a major new bureaucracy can be created and become effective in time to provide the help our seniors need now. At a minimum, based on similar initiatives in the past, it would take two years to gear up this kind of new government agency, which again, only duplicates existing federal bureaucracy and slows progress toward meaningful reform.

It's important these facts are understood as we continue discussing emerging plans for a prescription drug benefit under Medicare. How a plan is structured could have dramatic consequences for future innovations in treatments which can enhance quality of life and in some cases save lives. If done right, we'll enable all senior citizens to access the best health care system in the world and receive the latest technology and treatment for their conditions—and do it in a way that is both responsible and expedient. MEDS accomplishes both of these goals.

In closing Mr. President, let me say, as I have in the past, the challenge before us today is to enable Medicare to shape and adapt itself to reflect the realities of an ever changing health care system. After 35 years of endless tinkering, we have a real opportunity to make it more responsive, more helpful, and more attuned to the needs of current and future retirees and disabled persons in this country through the provision of a prescription drug benefit. This is a goal to which I am wholly committed.

NEOTROPICAL MIGRATORY BIRD ACT

Mr. L. CHAFEE. Mr. President, yesterday, the Senate approved S. 148, the Neotropical Migratory Bird Conservation Act. I would like to thank Senator ABRAHAM and Senator SMITH for their work on this important environmental issue, and also offer my family's appreciation for Senator ABRAHAM's kind words regarding my father. Senator John Chafee was a strong proponent of this legislation, and I am proud to follow his lead in cosponsoring this bill.

Now, what is a neotropical migratory bird? Simply put, it's a bird that breeds in North America, and migrates each year to tropical habitats in Central and South America. While the name sounds technical and complicated, many of these birds are well-known and well-loved by Americans. Plovers, sandpipers, hummingbirds, woodpeckers, orioles, blackbirds, and many species of raptor and songbird are all neotropical migratory birds. Some of these birds, such as the Ruby-throated Hummingbird and the Killdeer, cover amazing distances as they travel between their summer and winter habitats.

In Rhode Island, we are fortunate to be visited by many neotropical migrants including one species of hummingbird, over ten species of raptor,

over 30 species of shorebirds, eight species of flycatcher, six species of thrush, and 35 species of warblers. Rhode Island's location makes it a key stopover spot for many neotropical migrants to refuel and rehydrate.

In addition to an excellent location, Rhode Island has important habitat for migratory birds. Its combination of fruit-bearing shrubs and forest provide ample cover and food for these birds to take a break during their migration. The many wetlands found in the state also provide excellent areas to rehydrate, one of the most important needs on a bird's trip north or south.

Even with high quality habitat still available in parts of the United States, tragically, many of these species are in real danger. The greatest human threat to neotropical migratory birds is the loss of habitat, particularly in the Caribbean and Latin America. Many neotropical migratory birds stop to rest and feed at several relatively small patches of habitat along their long migrations between continents. Destruction of these stopover areas can have a devastating impact on a species. In addition, overharvesting of timber, loss of wetlands and heavy use of pesticides exact a heavy toll on the habitats on which neotropical migrants depend. As noted in the Committee Report, 90 species of migratory birds are listed as threatened or endangered under the Endangered Species Act, and approximately 210 species in the United States are in serious decline.

The challenge of protecting migratory birds is complicated by the reality that many of the most effective conservation measures must be implemented overseas. Migratory birds cross oceans, time zones, and national boundaries. Preservation of these species must involve close partnerships and cooperation with our Caribbean and South American neighbors.

Senator ABRAHAM's bill will help address the multitude of threats facing migratory birds by encouraging partnerships between private and public entities and across international boundaries to help protect and restore habitat of neotropical migrants. Importantly, there are ongoing efforts aimed at stopping the decline in migratory bird species; however, these efforts could be enhanced through better coordination and increased funding. S. 148 furthers both goals. Under the bill, the Secretary of the Interior is directed to facilitate the exchange of information among the various groups, and to coordinate existing conservation efforts. The bill also authorizes $25 million over five years in grants for projects to conserve neotropical migratory bird populations. Three-quarters of this funding must be used for projects in other countries to ensure that scarce resources will be focused where they are needed most.

In closing, I would like to relate a story that my father used to tell about a family friend traveling in China. This fellow noticed that his surroundings there were strangely silent. Upon reflection, he attributed the ominous quiet to the total lack of birds in the environment. Apparently, in parts of China the destruction of habitat and the commercial bird market have resulted in the virtual elimination of songbirds. What a terrible loss. We must work together to prevent such tragedy from occurring in the Western Hemisphere. And, Senator ABRAHAM's bill is a good step in the right direction. I applaud my colleagues for supporting this measure to help prevent the further decline in our neotropical migratory birds. And, I hope the President will act swiftly to enact the Neotropical Migratory Bird Conservation Act.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, June 29, 2000, the Federal debt stood at $5,645,427,846,938.37 (Five trillion, six hundred forty-five billion, four hundred twenty-seven million, eight hundred forty-six thousand, nine hundred thirty-eight dollars and thirty-seven cents).

One year ago, June 29, 1999, the Federal debt stood at $5,640,577,000,000 (Five trillion, six hundred forty billion, five hundred seventy-seven million).

Fifteen years ago, June 29, 1985, the Federal debt stood at $1,798,529,000,000 (One trillion, seven hundred ninety-eight billion, five hundred twenty-nine million).

Twenty-five years ago, June 29, 1975, the Federal debt stood at $536,081,000,000 (Five hundred thirty-six billion, eighty-one million) which reflects a debt increase of more than $5 trillion—$5,109,346,846,938.37 (Five trillion, one hundred nine billion, three hundred forty-six million, eight hundred forty-six thousand, nine hundred thirty-eight dollars and thirty-seven cents) during the past 25 years.

ADDITIONAL STATEMENTS

TRINIDAD STATE JUNIOR COLLEGE

• Mr. ALLARD. Mr. President, Trinidad State Junior College, the oldest two-year college in Colorado, is celebrating 75 years of excellence. Established in 1925 by the Colorado Legislature, the College can look back with pride over its 75 years of service to its community, the State of Colorado, and the Nation.

Throughout its history, Trinidad State Junior College has attracted students from across Colorado, from many areas of the United States, and from numerous foreign countries. The result has been the creation of an environment that is significantly more cosmopolitan than is found in other rural two-year colleges.

Trinidad State Junior College will carry forth its strong tradition of scholastic excellence into the new century and will continue to provide its students with the knowledge, skills, and experiences necessary to meet their educational and personal goals.

Congratulations to Trinidad State Junior College on its seventy-fifth anniversary.•

OCCASION OF THE 2000 PARALYMPIC TRIALS

• Mr. DODD. Mr. President, this past week, culminating on Saturday, June 24th, the 2000 Paralympic Trials for track and field were held on the campus of Connecticut College in New London, Connecticut.

Almost 150 athletes competed in a dozen events including the 100 meter race, 10,000 meter race, shot put, long jump and high jump. Seventy-one athletes earned the right to represent the United States at the 2000 Sydney Paralympic Games, which will be held October 18th–29th.

The Paralympic movement is relatively young, but in recent years it has grown rapidly. In 1948, Sir Ludwig Guttmann staged the first International Wheelchair Games to coincide with the 1948 London Olympic Games. These first Games focused on World War II veterans with spinal cord-related injuries. Later, other disability groups established international sports organizations which arranged various competitions. As time went by, multi-disability competitions developed. These events were brought together for the first time under the banner of the Paralympic Games in 1960 in Rome.

Since then, the games have grown in success and popularity. Always held in tandem with the Olympic Games, the Paralympic athletes move into the Olympic village shortly after the Olympic athletes move out and many times compete at the same venues as their Olympic counterparts.

From Seoul to Barcelona and most recently in Atlanta, the Paralympic Games have blossomed into a major international sporting event. This year's Games in Sydney will continue the momentum generated over the last decade. In fact, more athletes will compete at the Sydney 2000 Summer Paralympics (4,000 athletes from 125 nations) than in the 1972 Munich Olympics.

To those who competed last week in Connecticut, I think I speak for all of our colleagues in applauding their efforts. Like all athletes, they remind us of the timely and timeless virtues that sports teach us—virtues like self-reliance, discipline, cooperation, and modesty in victory as well as defeat. In striving to do their best, they inspire others to do their best, as well—be they disabled or not.

To those who will represent the United States in Sydney, we wish them luck. And we are confident that they will do our nation proud.

I ask that the names of these athletes be printed in the RECORD.

ATHLETES NOMINATED TO THE 2000 PARALYMPIC ATHLETICS TEAM

Rodney Anderson, Daniel Andrews, Ken Bair, Bob Balk, Lisa Banta, Jennifer Barrett, Cheri Beccerra, Thomas Becke, Trent Blair, Cheri Blauwet, John Brewer, Ted Bridis, Shawn Brown, Jeremy Burleson, Bert Burns, Lynne K. Carlton, Joesph Christmas, Wiley Clark, Ed Cockrell, Shea Cowart, Keith Davis, Ross Davis, Troy Davis, Gabriel Diaz DeLeon, Barton Dodson, Jean Driscoll, Rob Evans, Mark Fenn, Brian Frasure, Jessica Galli, Roderick Green, Deborah Hearn, Jacob Heilveil, Doug Heir, Scott Hollonbeck, and Larry Hughes.

Tony Iniguez, Val Jacobson, Eric Kaiser, Michael Keohane, Dave Larson, Jeff Lauterbach, Cheryl Leitner, Joseph LeMar, Arthur Lewis, Kenneth Marshall, Vince Martin, Pan McGonigle, Asya Miller, Royal Mitchell, Nancy Moloff, Edward Munro, Lindsay Nielsen, Paul Nitz, Albert Reed, Freeman Register, John Register, Ian Rice, Rich Ruffalo, Payam Saadat, William Schneider, Marlon Shirley, Judy Siegle, Matthew Smith, Amie Stanton, Laura Terry, Tony Volpentesf, Lynn Wachtell, Chris Waddell, Tim Willis, and Dana Zimmerman.●

FARGO-MOORHEAD, ALL-AMERICAN CITY

● Mr. CONRAD. Mr. President, I rise to congratulate the City of Fargo, North Dakota, on its recent selection with neighboring Moorhead, Minnesota, as an All-American City by the National Civic League.

This is a prestigious but well deserved honor. The Fargo-Moorhead metro area is one of the most vital and fastest growing in the Upper Great Plains. The region is home to three highly respected colleges and universities. It is a major medical and commercial center. And in recent years, the area has seen remarkable growth in high technology.

But modern infrastructure and economic vitality are only part of the story of this award. Fargo was recently ranked the best medium-sized city in America in which to raise children. It offers the sort of civil society with safe streets, strong families, and functioning and responsive government that comes to mind when people all over this country think of what it means to live in America's heartland.

It was pleasant news but no surprise that Fargo-Moorhead was one of 10 communities that were winners in the national All-America City competition, hosted by the National Civic League. The league could not have chosen better.

As I have discussed on the Senate floor, recent storms dumped over seven inches of rain on Fargo in just over seven hours, inundating the city and causing hundreds of millions of dollars of damage. These torrential rains have also meant something else, however—another chance for the area's residents to show their resilience, compassion, and community spirit. Already, Fargo-Moorhead is coming back, stronger than ever.

Mr. President, I would like to pay special tribute to the cooperation between Fargo and its sister city to the east, Moorhead. Rather than a basis for rivalry, the proximity and common experience of Fargo and Moorhead have proven compelling rationales for cooperation. The joint award to Fargo and Moorhead of All-America City honors recognizes the daily cooperation and friendship that characterizes relations between these neighboring communities.

Numerous volunteers invested thousands of hours of work in preparations for the recent competition, and deserve sincere thanks. Let me make special note of the efforts of Fargo Mayor Bruce Furness and Moorhead Mayor Morris Lanning for their leadership and vision. In helping to make this award a reality, they are allowing the nation to see what we in North Dakota and Minnesota have known for years—that Fargo-Moorhead is shining example of the American dream made reality, a truly All-America City.

Again, on behalf of the United States Senate, I offer my most sincere congratulations to Fargo and Moorhead for being recognized as an All-America City.●

HONORING ARDYCE HABEGER SAMP

● Mr. JOHNSON. Mr. President, I rise today to publicly commend Ardyce Habeger Samp of Flandreau, South Dakota on being named for the prestigious 2000 Dakota Conference Award for Distinguished Contribution to the Preservation of Cultural Heritage of South Dakota and the Northern Plains.

Ms. Samp is a freelance writer, with more than 125 published short stories and two books, entitled ''When Coffee Was a Nickel'' and ''Penny Candy Days.'' She is an active member of her community, serving on various boards, clubs and church organizations.

This past May, Governor Bill Janklow issued an honorary executive proclamation, declaring May 26, 2000 ''Ardyce Habeger Samp Day.'' Also recently, Ms. Samp received the prestigious 2000 Dakota Conference Award for Distinguished Contribution to the Preservation of Cultural Heritage of South Dakota and the Northern Plains.

Mr. President, Ardyce Samp's scholarship and literary talents have enhanced the lives of South Dakotans. Her role in community leadership serves as a model for other South Dakotans to emulate. We are grateful for her continued work to tell the story of the Northern Plains. I am pleased to be able to share her story with my colleagues and to be able to publicly commend her work.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:47 a.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1304. An act to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act.

The message also announced that the House of Representatives has passed the following concurrent resolutions, without amendment:

S. Con. Res. 125. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The message further announced that pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. 101 note), the Speaker has appointed the following Member of the House of Representatives to the Abraham Lincoln Bicentennial Commission: Mr. LAHOOD of Illinois and, in addition, Ms. Joan Flinspach of Indiana and Mr. James R. Thompson of Illinois.

The message also announced that pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. 101 note), the Minority Leader appoints the following individuals to the Abraham Lincoln Bicentennial Commission: Mr. David Phelps of Illinois and Ms. Louise Taper of California.

ENROLLED BILLS SIGNED

At 2:30 p.m., a message from the House of Representatives announced that the Speaker has signed the following enrolled bill:

H.R. 4425. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

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

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 4680. An act to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 30, 2000, he had presented to the President of the United States the following enrolled bill:

S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9596. A communication from the Secretary of Defense, transmitting, pursuant to law, the report entitled ''The Military Power of the People's Republic of China''; to the Committee on Armed Services.

EC–9597. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of June 1, 2000; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committees on Appropriations; Foreign Relations; the Budget; Banking, Housing, and Urban Affairs; Environment and Public Works; and Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1755: A bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones (Rept. No. 106–326).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2102: A bill to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes (Rept. No. 106–327).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 3646: A bill for the relief of certain Persian Gulf evacuees.

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment and with a preamble:

S. Con. Res. 113: A concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 124: A concurrent resolution expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of international agreements.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment with a preamble:

S. Con. Res. 126: An original concurrent resolution expressing the sense of Congress that the President should support free and fair elections and respect for democracy in Haiti.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted.

By Mr. HELMS for the Committee on Foreign Relations:

Treaty Doc. 105–39 Inter-American Convention Against Corruption (Exec. Rept. 106–15).

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

SENATE OF THE UNITED STATES

IN EXECUTIVE SESSION

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Inter-American Convention Against Corruption, adopted and opened for signature at the Specialized Conference of the Organization of American States (OAS) at Caracas, Venezuela, on March 29, 1996, (Treaty Doc. 105–39); referred to in this resolution of ratification as ''The Convention'', subject to the understandings of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDINGS.—The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification of the Convention and shall be binding on the President:

(1) APPLICATION OF ARTICLE I.—The United States of America understands that the phrase ''at any level of its hierarchy'' in the first and second subparagraphs of Article I of the Convention refers, in the case of the United States, to all levels of the hierarchy of the Federal Government of the United States, and that the Convention does not impose obligations with respect to the conduct of officials other than Federal officials.

(2) ARTICLE VII (''DOMESTIC LAW'').—

(A) Article VII of the Convention sets forth an obligation to adopt legislative measures to establish as criminal offenses the acts of corruption described in Article VI(1). There is an extensive network of laws already in place in the United States that criminalize a wide range of corrupt acts. Although United States laws may not in all cases be defined in terms or elements identical to those used in the Convention, it is the understanding of the United States, with the caveat set forth in subparagraph (B), that the kinds of official corruption which are intended under the Convention to be criminalized would in fact be criminal offenses under U.S. law. Accordingly, the United States does not intend to enact new legislation to implement Article VII of the Convention.

(B) There is no general ''attempt'' statute in U.S. federal criminal law. Nevertheless, federal statues make ''attempts'' criminal in connection with specific crimes. This is of particular relevance with respect to Article VI(1)(c) of the Convention, which by its literal terms would embrace a single preparatory act done with the requisite ''purpose'' of profiting illicitly at some future time, even though the course of conduct is neither pursued, nor in any sense consummated. The United States will not criminalize such conduct per se, although significant acts of corruption in this regard would be generally subject to prosecution in the context of one or more other crimes.

(3) TRANSNATIONAL BRIBERY.—Current United States law provides criminal sanctions for transnational bribery. Therefore, it is the understanding of the United States of America that no additional legislation is needed for the United States to comply with the obligation imposed in Article VIII of the Convention.

(4) ILLICIT ENRICHMENT.—The United States of America intends to assist and cooperate with other States Parties pursuant to paragraph 3 of Article IX of the Convention to the extent permitted by its domestic law. The United States recognizes the importance of combating improper financial gains by public officials, and has criminal statutes to deter or punish such conduct. These statutes obligate senior-level officials in the Federal Government to file truthful financial disclosure statements, subject to criminal penalties. They also permit prosecution of federal public officials who evade taxes on wealth that is acquired illicitly. The offense of illicit enrichment as set forth in Article IX of the Convention, however, places the burden of proof on the defendant, which is inconsistent with the United States Constitution and fundamental principles of the United States legal system. Therefore, the United States understands that it is not obligated to establish a new crminal offense of illicit enrichmnent under Article IX of the Convention.

(5) EXTRADITION.—The United States of America shall not consider this Convention as the legal basis for extradition to any country with which the United States has no bilateral extradition treaty in force. In such cases where the United States does have a bilateral extradition treaty shall serve as the legal basis for extradition for offenses that are extraditable in accordance with this Convention.

(a) PROHIBITION OF ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States of America shall exercise its rights to limit the use of assistance it provides under the Convention so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The advice and consent of the Senate is subject to the following declaration:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) ENFORCEMENT AND MONITORING.—Not later than April 1, 2001, and annually thereafter for five years, unless extended by an Act of Congress, the President shall submit to the Committee on Foreign Relations of the Senate, and the Speaker of the House of Representatives, a report that sets out:

(A) RATIFICATION.—A list of the countries that have ratified the Convention, the dates of ratification and entry into force for each country, and a detailed account of U.S. efforts to encourage other nations that are signatories to the Convention to ratify and implement it.

(B) DOMESTIC LEGISLATION IMPLEMENTING THE CONVENTION AND ACTIONS TO ADVANCE ITS OBJECT AND PURPOSE.—A description of the domestic laws enacted by each Party to the Convention that implement commitments under the Convention and actions taken by each Party during the previous year, including domestic law enforcement measures, to advance the object and purpose of the Convention.

(C) PROGRESS AT THE ORGANIZATION OF AMERICAN STATES ON A MONITORING PROCESS.—An assessment of progress in the Organization of American States (OAS) toward creation of an effective, transparent, and viable Convention compliance monitoring process which includes input from the private sector and non-governmental organizations.

(D) FUTURE NEGOTIATIONS.—A description of the anticipated future work of the Parties to the Convention to expand its scope and assess other areas where the Convention could be amended to decrease corrupt activities.

(2) MUTUAL LEGAL ASSISTANCE.—When the United States receives a request for assistance under Article XIV of the Convention from a country with which it has in force a bilateral treaty for mutual legal assistance in criminal matters, the bilateral treaty will provide the legal basis for responding to that request. In any case of assistance sought from the United States under Article XIV of the Convention, the United States shall, consistent with U.S. laws, relevant treaties and arrangements, deny assistance where granting the assistance sought would prejudice its essential public policy interest, including cases where the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under the Convention is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

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. KYL:

S. 2834. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 2835. A bill to provide an appropriate transition from the interim payment system for home health services to the prospective payment system for such services under the medicare program; to the Committee on Finance.

By Mr. HAGEL (for himself, Mr. ABRAHAM, Mr. HUTCHINSON, Mr. BURNS, Mr. COVERDELL, Mr. MCCAIN, Mr. ASHCROFT, and Mr. KYL):

S. 2836. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with access to affordable outpatient prescription drugs; to the Committee on Finance.

By Mr. CRAIG:

S. 2837. A bill to amend the Fair Debt Collection Practices Act to reduce the cost of credit, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HUTCHINSON:

S. 2838. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to provide for a program to provide information to the public on the use of biotechnology to produce food for human consumption, to support additional research regarding the potential economic and environmental risks and benefits of using biotechnology to produce food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KENNEDY (for himself, Mr. DODD, Mr. LEAHY, and Mr. MACK):

S. Res. 332. A resolution expressing the sense of the Senate with respect to the peace process in Northern Ireland; to the Committee on Foreign Relations.

By Mr. HELMS:

S. Con. Res. 126. An original concurrent resolution expressing the sense of Congress that the President should support free and fair elections and respect for democracy in Haiti; placed on the calendar.

By Mr. FITZGERALD:

S. Con. Res. 127. A concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on Foreign Relations.

By Mr. SANTORUM:

S. Con. Res. 128. A concurrent resolution to urge the Nobel Commission to award the Nobel Prize for Peace to His Holiness, Pope John Paul II, for his dedication to fostering peace throughout the world; to the Committee on Foreign Relations.

By Mr. LIEBERMAN (for himself, Mr. GORTON, Mr. SMITH of Oregon, Mr. CLELAND, Mr. BYRD, Mr. CONRAD, Mr. BENNETT, and Mr. GRAMS):

S. Con. Res. 129. A concurrent resolution expressing the sense of Congress regarding the importance and value of education in United States history; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL:

S. 2834. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry; to the Committee on Energy and Natural Resources.

LEGISLATION TO CONVEY LAND TO THE GREATER YUMA PORT AUTHORITY FOR CONSTRUCTION OF A SECOND COMMERCIAL PORT OF ENTRY FOR THE YUMA AREA

Mr. KYL. Mr. President, I introduce a bill today to facilitate the construction of a secondary port of entry in Yuma County. I introduce this measure in collaboration with Representative ED PASTOR, who has taken the lead on this issue in the House of Representatives and has seen his bill H.R. 3023, through to passage just this week by a vote of 404 to 1.

The identical bill I introduce today will convey to the Greater Yuma Port Authority an area of land currently controlled by the Bureau of Reclamation for the purpose of constructing a commercial port of entry on approximately 330 acres of land just east of the city of San Luis.

Anyone who has ever been to the U.S. port of entry in San Luis, Arizona, knows that traffic congestion there causes such bad delays that oftentimes individuals attempting to conduct cross-border trade there, bring goods across the border, or simply visit relatives and friends, are discouraged from crossing the border or are faced with spending two to four hours to cross. The port of entry at San Luis has become one of the busiest ports-of-crossing in the nation.

After months of negotiation, all of the local principals involved in this effort, from the city of Yuma to Yuma County, the city of San Luis and Somerton and the Cocopah Indian Nation, and the Bureau of Reclamation, now fully support this effort. The bill will facilitate the construction of an additional commercial port of entry just east of San Luis, to be conveyed to the Greater Yuma Port Authority (YMPO) for fair market value.

Mr. President, this legislation will make a difference to the people of Arizona, particularly to the people of Yuma and surrounding areas. It will help increase cross-border trade in the area, and will help to spur economic development for an Arizona region in need. I urge expeditious consideration of this legislation.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 2835. A bill to provide an appropriate transition from the interim payment system for home health services to the prospective payment system for such services under the medicare program; to the Committee on Finance.

MEDICARE HOME HEALTH REFINEMENT ACT OF 2000

Mr. GRASSLEY. Mr. President, today I am joining Senator FEINGOLD of Wisconsin in introducing the Medicare Home Health Refinement Act of 2000. I want to thank my colleague for inviting me to join him in this effort to preserve our nation's home health providers.

In my work as Chairman of the Senate Special Committee on Aging, of which Senator FEINGOLD is a member, I have been monitoring our nation's critical home health care system closely. In 1997, we investigated distressing examples of fraud and abuse among a few home health agencies (HHAs). In 1998, I chaired a hearing on the devastating effects of the Interim Payment System (IPS) for home health. Unfortunately, my legislative efforts to improve the payment system that year were blocked. Last year, the Aging Committee held a hearing on the new OASIS information collection instrument, and on the burden it imposed on home care providers.

At this point in 2000, the main challenge facing our system of home care is the new Prospective Payment System (PPS), which will take effect on October 1 of this year. We've been working

toward this for many years, and I am gratified that it will finally happen. The Health Care Financing Administration (HCFA) published the final PPS rule on June 28, and I was pleased to hear that many home health providers consider it an improvement over the proposed rule. After the trauma of the Interim Payment System, I have high hopes that the PPS will be great news for our Medicare beneficiaries who need home care.

Even so, the new PPS will pose major transitional challenges for home health agencies, and this bill seeks to ease that transition so that the PPS will succeed. The bill does the following:

1. Emergency cash flow assistance. The bill provides one-time advance payments to home health agencies during transition from IPS to PPS. Eligible agencies either have low cash reserves, have negative cash flow under PPS as defined by the Secretary of HHS, or were eligible to receive funds from the Periodic Interim Payment (PIP) system on September 30, 2000. Payments equal the average total Medicare costs incurred by the agency in a three-month period as reported on the agency's most recently settled cost report. Payments would be available for six months and repaid within twelve months.

Agencies would also receive 80 percent of the 60-day episode payment rate after notifying HCFA of admission, with the remaining 20 percent coming after submission of final episode claim, instead of 60/40 under the rule published on June 28, 2000. HCFA would also be prohibited from imposing conditions on a claim based on the status of an earlier claim for the same beneficiary.

The rationale for this is that PIP, which largely serves nonprofit, community-based agencies with minimal cash reserve, will be discontinued as of October 1. If PPS delays a substantial portion of payment until after termination of patient episode, providers will have significant cash flow problems. Many agencies are unable to secure lines of credit or other loans because of the effect of IPS on cash reserves.

2. Reimbursement for unfunded PPS-related costs. The bill reimburses agencies for technology costs required for PPS compliance, up to $10 per beneficiary. Payments would be authorized for Fiscal Years 2001 through 2003.

The rationale for this item: agencies have had to purchase new hardware, software, and other technology to comply with new rules. These costs are not reimbursed by Medicare.

3. Reimbursement for OASIS labor costs. It reimburses agencies for labor costs associated with OASIS assessments, up to $30 per beneficiary annually. Payments are authorized for FY 2001–2003.

This is needed because the final rule provides for only a modest payment per episode, despite an estimated hour of time needed for a skilled clinician to collect information at admission, plus time for data quality review and follow-up.

4. Creation of a fee schedule for non-routine medical supplies. The bill develops a separate fee schedule for medical supplies under prospective payment.

This is essential because PPS rates include the average medical supply cost, but some agencies' patient populations have greater or lesser medical supply needs. The original rates would underpay agencies that treat these vulnerable populations and overpay agencies that treat patients with low medical supply needs. This provision has no budget impact.

Mr. President, I recognize that there are other issues that pose a major threat to our home care system, including the 15 percent cut scheduled for October 2001. This bill does not address that issue, though it is obvious that Congress will have to do so. But this bill will help make the new PPS a success, so home care providers can use their resources to see patients, which is what they do best. I will seek the inclusion of this bill in any Finance Committee Medicare provider package we put together this year.

Mr. FEINGOLD. Mr. President, I am pleased to join Senator GRASSLEY in introducing the Medicare Home Health Refinement Act of 2000. This legislation will provide a measure of financial relief for cost efficient home health agencies that are making the transition from the Interim Payment System to the soon to be implemented Prospective Payment System.

Since the enactment of the Balanced Budget Act of 1997, many cost-effective home health agencies have experienced financial hardship, which has forced agencies to divert funds away from patient care.

We must ensure that home health care agencies can continue to provide their invaluable service to the elderly and the disabled.

As I travel to each of Wisconsin's 72 counties each year, I have heard countless stories from home health agencies that a number of burdensome new regulations imposed by the Health Care Financing Administration have hindered their ability to do what they do best—provide quality care.

Our legislation addresses many of these concerns. In fact, a number of the provisions come directly from the providers in Wisconsin.

Our bill offers a combination of emergency cash flow assistance, reimbursement for transition costs, and a system to separate medical supply costs from other home health expenses as home health agencies switch to a new payment system.

Home health care provides compassionate, at-home care to seniors and people with disabilities in cities and towns throughout Wisconsin. Without it, many patients have no choice but to go to a nursing home, or even an emergency room, to get the care they need. For too many home health patients in Wisconsin, that day has arrived.

Home health agencies around my state have closed their doors due to massive changes in Medicare, and seniors and the disabled have been forced to go elsewhere for care.

THE BALANCED BUDGET ACT

As my colleagues know, the Balanced Budget Act of 1997 contained a number of measures that were intended to slow home health care spending. Congress targeted home health spending due to the fact that prior to the Balanced Budget Act, home health care had become the fastest growing component of Medicare spending.

Unfortunately, the cuts went deeper than anyone anticipated, and have left many Medicare beneficiaries without access to the services they need.

These unintended consequences of the Balanced Budget Act of 1997 have been severe indeed. Instead of the $100 billion in five-year savings that we targeted, present projections indicate that actual Medicare reductions have been in the area of $200 billion. Home health care spending, which the Congressional Budget Office expected to rise by $2 billion in the last two years even after factoring in the Balanced Budget Act cuts, has instead fallen by nearly 8 billion, or 45 percent.

These painful cuts have forced more than 40 home health care agencies in 22 Wisconsin counties to close their doors, in just two years.

Mr. President, I stand by my vote in favor of the Balanced Budget Act. And, like many of my colleagues, I believe that it contained meaningful provisions to balance the budget. I want to emphasize that the goal was to balance the budget—it was not to punish home health agencies, and certainly not to deny Medicare beneficiaries access to the home health services they need.

The Balanced Budget Act also included a number of burdensome administration changes, and a new reimbursement system for home health care agencies. It required the creation of a Prospective Payment System, and, until that system was developed an interim payment system.

These new rules are forcing agencies to overhaul their computer systems, purchase new software, and fill out more and more forms. Many of these agencies already face major cash-flow problems, and are rightly concerned that any delays in payments could hurt their ability to properly care for beneficiaries.

With all of the changes, Congress must ensure that these home health agencies, which have already been hit hard by payment cuts, have the resources they need to provide quality home care to the American public in a cost-effective manner.

RDF'S HOME HEALTH CARE LEGISLATION

My legislation provides for some common sense provisions to ease the transition to the new PPS system.

Under the first provision, the Health Care Financing Administration would

be able to provide one-time advance payments to home health agencies which have been experiencing cash-flow problems. These payments are temporary: agencies would be required to repay them within twelve months.

It also provides some relief to agencies for their compliance with the new regulations and rules. Across the country, home health agencies have had to spend millions of dollars buying new computers and software which can handle the new PPS. This provision also targets those small agencies with a lesser cash flow and are relatively more affected by the burdensome regulations.

My bill also includes compensation for agencies who must perform patient outcome assessments under the new rules. We should recognize that physicians' time is precious, and that we cannot expect them to provide accurate, helpful data if every hour they spend filling out forms is an hour less treatment that the agency can afford to provide.

Finally, the bill carves out funding for non-routine medical supplies from the PPS, so that agencies who treat patients with complex medical needs are not punished with low payments. We must ensure that all beneficiaries have the choice to receive care at home, and not be turned down or shut out of the market because agencies are afraid that they'll be too costly to assist.

These are sensible changes which go a long way to alleviate the burden that the change to the Prospective Payment System has imposed on the agencies. These changes will allow agencies to focus their care on Medicare beneficiaries, and reduce their burden as they transition to PPS.

ACCESS TO CARE

In Wisconsin, over 46 Medicare home health providers have shut down since the implementation of Interim Payment System. Still more have shrunken their service areas, stopped accepting Medicare patients, or refused assignment for high cost patients because the payments are simply too low.

So, what do these changes mean for Medicare beneficiaries? Well, quite frankly, in many parts of Wisconsin, beneficiaries in certain areas or with certain diagnoses simply don't have access to home health care. The Interim Payment System has created disincentives to treat patients with expensive medical diagnoses. Few agencies, if any, can afford to care for patients with expensive medical diagnosis.

CONCLUSION

I believe that Congress must take a serious look at what refinements need to occur to ensure that our home bound elderly and disabled constituents—among the frailest and most vulnerable people we serve—can receive the services they need.

Without that fine-tuning, I am quite certain that more home health agencies in Wisconsin and across our country will close, leaving some of our frailest Medicare beneficiaries without the choice to receive care at home. Again, I think Seniors need and deserve that choice, and I hope my colleagues will join us in supporting this legislation.

ADDITIONAL COSPONSORS

S. 740

At the request of Mr. CRAIG, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 740, a bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes.

S. 1066

At the request of Mr. ROBERTS, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1066, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

S. 1074

At the request of Mr. TORRICELLI, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1128

At the request of Mr. KYL, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1874

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1941

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2330

At the request of Mr. ROTH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2527

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 2527, a bill to amend the Public Health Service Act to provide grant programs to reduce substance abuse, and for other purposes.

S. 2528

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2528, a bill to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support.

S. 2612

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 2612, a bill to combat Ecstasy trafficking, distribution, and abuse in the United States, and for other purposes.

S. 2644

At the request of Mr. GORTON, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2644, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 2645

At the request of Mr. THOMPSON, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 2645, a bill to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

S. 2739

At the request of Mr. LAUTENBERG, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from Nevada (Mr. REID) were added as cosponsors 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. 2769

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 2769, a bill to authorize funding for National Instant Criminal Background Check System improvements.

S. RES. 268

At the request of Mr. EDWARDS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 268, a resolution designating July 17 through July 23 as ''National Fragile X Awareness Week.''

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from New Mexico (Mr. BINGAMAN) 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 names of the Senator from Missouri (Mr. BOND) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors 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.

S. RES. 329

At the request of Mr. L. CHAFEE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. Res. 329, a resolution urging the Government of Argentina to pursue and punish those responsible for the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina.

SENATE CONCURRENT RESOLUTION 127—EXPRESSING THE SENSE OF THE CONGRESS THAT THE PARTHENON MARBLES SHOULD BE RETURNED TO GREECE; TO THE COMMITTEE ON FOREIGN RELATIONS

Mr. FITZGERALD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 127

Whereas the Parthenon was built on the hill of the Acropolis at Athens, Greece in the mid-fifth century B.C. under the direction of the Athenian statesman Pericles and the design of the sculptor Phidias.

Whereas the Parthenon is the ultimate expression of the artistic genius of Greece, the preeminent symbol of the Greek cultural heritage—its art, architecture, and democracy—and of the contributions that modern Greeks and their forefathers have made to civilization;

Whereas over 100 pieces of the Parthenon's sculptures—now known as the Parthenon Marbles—were removed from the Parthenon under questionable circumstances between 1801 and 1816, while Greece was still under Ottoman rule;

Whereas the removal of the Parthenon Marbles, including their perilous voyage to Great Britain and their careless storage there for many years, greatly endangered the Marbles;

Whereas the Parthenon Marbles were removed to grace the private home of Lord Elgin, who transferred the Marbles to the British Museum only after severe personal economic misfortunes;

Whereas the sculptures of the Parthenon were designed as an integral part of the structure of the Parthenon temple; the carvings of the friezes, pediments, and metopes are not merely statuary, movable decorative art, but are integral parts of the Parthenon, which can best be appreciated if all the Parthenon Marbles are reunified;

Whereas the Parthenon has served as a place of worship for ancient Greeks, Orthodox Christians, Roman Catholics, and Muslims;

Whereas the Parthenon has been adopted by imitation by the United States in many preeminent public buildings, including the Lincoln Memorial;

Whereas the Parthenon is a universal symbol of culture, democracy, and freedom, making the Parthenon Marbles of concern not only to Greece but to all the world;

Whereas, since obtaining independence in 1830, Greece has sought the return of the Parthenon Marbles;

Whereas the return of the Parthenon Marbles would be a profound demonstration by the United Kingdom of its appreciation and respect for the Parthenon and classical art;

Whereas, even without considering the legal issues surrounding the removal of the Parthenon Marbles, the United Kingdom should return them in recognition that the Parthenon is part of the cultural heritage of the entire world and, as such, should be made whole;

Whereas Greece would provide care for the Parthenon Marbles equal or superior to the care provided by the British Museum, especially considering the irreparable harm caused by attempts by the museum to remove the original color and patina of the marbles with abrasive cleaners;

Whereas Greece is constructing a new, permanent museum to house all the Marbles, protected from the elements and in full view of the Acropolis;

Whereas Greece and various international committees have pledged to work with the British government to negotiate mutually agreeable conditions for the return of the Parthenon Marbles;

Whereas the people of the United Kingdom do not have an ancient bond to the Parthenon Marbles, given that the Marbles have been in London for less than 200 years of the over 2,430 year history of the Parthenon was built, and as evidenced by a 1998 poll in which only 15 percent of the Britons polled recalled having seen the Marbles in the British Museum;

Whereas the British people support the return of the Parthenon Marbles, as reflected in several recent polls;

Whereas a resolution signed by a majority of members of the European Parliament urged the British government to return the Parthenon Marbles to their natural setting in Greece;

Whereas the British House of Commons Select Committee on Culture, Media and Sport is to be commended for examining the issue of the disposition of the Parthenon Marbles in hearings held this year;

Whereas returning the Parthenon Marbles to Greece would be a gesture of good will on the part of the British Parliament, and would in no way affect the disposition of other objects in museums around the world; and

Whereas in 2004 the Olympics will return to Greece, where the Olympics began, and the Parthenon Marbles should be returned to their home in Athens by that time: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Government of the United Kingdom should enter into negotiations with the Government of Greece as soon as possible to facilitate the return of the Parthenon Marbles to Greece before the Olympics in 2004.

CONCURRENT RESOLUTION 128—URGING THE NOBEL COMMISSION TO AWARD THE NOBEL PRIZE FOR PEACE TO HIS HOLINESS, POPE JOHN PAUL II, FOR HIS DEDICATION TO FOSTERING PEACE THROUGHOUT THE WORLD

Mr. SANTORUM submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 128

Whereas His Holiness, Pope John Paul II, has worked tirelessly and as much as any other world leader to bring peace to regions of the world which have known strife, intolerance, and violence for far too long;

Whereas His Holiness, Pope John Paul II, knows the persecution of oppression, having studied for the priesthood in secrecy and having seen those he grew up with killed and victimized due to the Nazi Occupation, and later witnessing firsthand the communist subjugation of his native Poland;

Whereas His Holiness, Pope John Paul II, since his installment as Cardinal of the Church, has traveled more extensively throughout the world than any predecessor, spreading his message of peace, religious freedom, and human dignity;

Whereas His Holiness, Pope John Paul II, was instrumental in the demise of communism in his native Poland, which in turn fostered the spread of democracy throughout the world;

Whereas His Holiness, Pope John Paul II, has reached out in an unprecedented manner to people of other beliefs and religions to establish a dialog which may lead to greater understanding, healing, and harmony, including praying for unity among Christian churches, reaching out towards a reconciliation with the Jewish people, and specifically acknowledging those times the Catholic Church has failed to act in accordance with its teachings;

Whereas in March of this year, His Holiness, Pope John Paul II, led a historic pilgrimage to the Middle East, including Jordan, Israel, and the Palestinian territories, preaching coexistence, peace, tolerance, and goodwill throughout this historically conflicted territory; and

Whereas His Holiness, Pope John Paul II, has used his position as a world leader to become the foremost voice to foster ties of brotherhood and for the promotion of peace and reconciliation in the world today: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress urges the Nobel Commission to award the Nobel Prize for Peace to His Holiness, Pope John Paul II.

SENATE CONCURRENT RESOLUTION 129—EXPRESSING THE SENSE OF CONGRESS REGARDING THE IMPORTANCE AND VALUE OF EDUCATION IN UNITED STATES HISTORY

Mr. LIEBERMAN (for himself, Mr. GORTON, Mr. SMITH of Oregon, Mr. CLELAND, Mr. BYRD, Mr. CONRAD, Mr. BENNETT, and Mr. GRAMS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 129

Whereas basic knowledge of United States history is essential to full and informed participation in civic life and to the larger vibrancy of the American experiment in self-government;

Whereas basic knowledge of the past serves as a civic glue, binding together a diverse people into a single Nation with a common purpose;

Whereas citizens who lack knowledge of United States history will also lack an understanding and appreciation of the democratic principles that define and sustain the Nation as a free people, such as liberty, justice, tolerance, government by the consent of the governed, and equality under the law;

Whereas a recent Roper survey done for the American Council of Trustees and Alumni reveals that the next generation of American leaders and citizens is in danger of losing America's civic memory;

Whereas the Roper survey found that 81 percent of seniors at elite colleges and universities could not answer basic high school level questions concerning United States history, that scarcely more than half knew general information about American democracy and the Constitution, and that only 22 percent could identify the source of the most famous line of the Gettysburg Address;

Whereas many of the Nation's colleges and universities no longer require United States history as a prerequisite to graduation, including 100 percent of the top institutions of higher education;

Whereas 78 percent of the Nation's top colleges and universities no longer require the study of any form of history;

Whereas America's colleges and universities are leading bellwethers of national priorities and values, setting standards for the whole of the United States' education system and sending signals to students, teachers, parents, and public schools about what every educated citizen in a democracy must know;

Whereas many of America's most distinguished historians and intellectuals have expressed alarm about the growing historical illiteracy of college and university graduates and the consequences for the Nation; and

Whereas the distinguished historians and intellectuals fear that without a common civic memory and a common understanding of the remarkable individuals, events, and ideals that have shaped the Nation, people in the United States risk losing much of what it means to be an American, as well as the ability to fulfill the fundamental responsibilities of citizens in a democracy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the historical illiteracy of America's college and university graduates is a serious problem that should be addressed by the Nation's higher education community;

(2) boards of trustees and administrators at institutions of higher education in the United States should review their curricula and add requirements in United States history;

(3) State officials responsible for higher education should review public college and university curricula in their States and promote requirements in United States history;

(4) parents should encourage their children to select institutions of higher education with substantial history requirements and students should take courses in United States history whether required or not; and

(5) history teachers and educators at all levels should redouble their efforts to bolster the knowledge of United States history among students of all ages and to restore the vitality of America's civic memory.

SENATE RESOLUTION 332—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE PEACE PROCESS IN NORTHERN IRELAND

Mr. KENNEDY (for himself, Mr. DODD, Mr. LEAHY, and Mr. MACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 332

Whereas the April 10, 1998 Good Friday Agreement established a framework for the peaceful settlement of the conflict in Northern Ireland;

Whereas the Good Friday Agreement stated that it provided ''the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole'';

Whereas the Good Friday Agreement provided for the establishment of an Independent Commission on Policing to make ''recommendations for future policing arrangements in Northern Ireland including means of encouraging widespread community support for these arrangements'';

Whereas the Independent Commission on Policing, led by Sir Christopher Patten, concluded its work on September 9, 1999 and proposed 175 recommendations in its final report to ensure a new beginning to policing, consistent with the requirements in the Good Friday Agreement;

Whereas the Patten report explicitly ''warned in the strongest terms against cherry-picking from this report or trying to implement some major elements of it in isolation from others'';

Whereas section 405 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as contained in H.R. 3427, as enacted by section 1000(a)(7) of Public Law 106–113, and as contained in appendix G to such Public Law) requires President Clinton to certify, among other things, that the Governments of the United Kingdom and Ireland are committed to assisting in the full implementation of the recommendations contained in the Patten Commission report issued on September 9, 1999 before the Federal Bureau of Investigation or any other Federal law enforcement agency can provide training for the Royal Ulster Constabulary;

Whereas a May 5, 2000, joint letter by the British Prime Minister and the Irish Prime Minister stated that ''legislation to implement the Patten report will, subject to Parliament, be enacted by November 2000'';

Whereas on May 16, 2000 the British Government published the proposed Police (Northern Ireland) bill, which purports to implement in law the Patten report;

Whereas many of the signatories to the Good Friday Agreement have stated that the draft bill does not live up to the letter or spirit of the Patten report and dilutes or does not implement many key recommendations of the Patten Commission;

Whereas Northern Ireland's main nationalist parties have indicated that they will not participate or encourage participation in the new policing structures unless the Patten report is fully implemented; and

Whereas on June 15, 2000, British Secretary of State for Northern Ireland Peter Mandelson said, ''I remain absolutely determined to implement the Patten recommendations and to achieve the effective and representative policing service, accepted in every part of Northern Ireland, that his report aimed to secure'': Now, therefore, be it

Resolved, That the Senate—

(1) commends the parties for progress to date in implementing all aspects of the Good Friday Agreement and urges them to move expeditiously to complete the implementation;

(2) believes that the full and speedy implementation of the recommendations of the Independent Commission on Policing for Northern Ireland holds the promise of ensuring that the police service in Northern Ireland will gain the support of both nationalists and unionists and that ''policing structures and arrangements are such that the police service is fair and impartial, free from partisan political control, accountable . . . to the community it serves, representative of the society that it polices . . . [and] complies with human rights norms'', as mandated by the Good Friday Agreement; and

(3) calls upon the British Government to fully and faithfully implement the recommendations contained in the September 9, 1999, Patten Commission report on policing.

Mr. KENNEDY. Mr. President, today Senators DODD, LEAHY, MACK, and I are introducing a resolution on police reform in Northern Ireland.

Policing has long been a contentious issue in Northern Ireland. The deep historical divisions in Northern Ireland have, according to the April 19, 1998 Good Friday Agreement, made policing ''highly emotive, with great hurt suffered and sacrifices made by many individuals and their families.''

The Good Friday Agreement presented an historic opportunity to create a new police service that is accountable, impartial, representative, based on respect for human rights, and that works in constructive partnership with the entire community. It provided for the establishment of an Independent Commission on Policing to make recommendations for Northern Ireland, including ways to encourage widespread community support for the police. The Commission, chaired by Sir Christopher Patten, concluded its work on September 9, 1999, and issued a final report with 175 recommendations to ensure a new beginning for policing in Northern Ireland.

On May 5, a joint letter by the British Prime Minister and the Irish Prime Minister stated that ''legislation to implement the Patten report will, subject to Parliament, be enacted by November 2000.'' On May 16, the British Government published its proposed legislation to implement in law the Patten report.

Unfortunately, the draft bill does not live up to the letter or spirit of the Patten report. It dilutes or does not implement many of its key recommendations. Northern Ireland's main nationalist parties and representatives of the Catholic Church are deeply concerned about the proposed legislation, and they have indicated that they will not participate or encourage participation in the new policing structures unless the Patten report is fully implemented. I ask unanimous consent that documents outlining concerns with the draft legislation may be included in the RECORD at the end of my remarks.

British Secretary of State for Northern Ireland, Peter Mandelson, has recognized that the bill ''will need fine

tuning'' as it proceeds through the Parliament. On June 15, he said, ''I remain absolutely determined to implement the Patten recommendations and to achieve the effective and representative policing service—accepted in every part of Northern Ireland—that his report aimed to secure.''

The resolution we are introducing today expresses the Sense of the Senate that the full and speedy implementation of the recommendations of the Independent Commission on Policing for Northern Ireland holds the best hope of ensuring that the police service in Northern Ireland will gain the support of both nationalists and unionists and that ''policing structures and arrangements are such that the police service is fair and impartial, free from partisan political control, accountable . . . to the community it serves, representative of the society that it polices . . . [and] complies with human rights norms,'' as mandated by the Good Friday Agreement. It calls upon the British Government to fully and faithfully implement the recommendations contained in the Patten Commission report.

The Patten report explicitly ''warned in the strongest terms against cherry-picking from this report or trying to implement some major elements of it in isolation from others.'' Section 405 of the Foreign Relations Authorization Act (as enacted in the Consolidated Appropriations Act for FY2000, P.L. 106–113) requires President Clinton to certify that the British and Irish governments are committed to assisting in the full implementation of the Patten recommendations before the Federal Bureau of Investigation or any other federal law enforcement agency can provide training for the Royal Ulster Constabulary. It would be extremely unfortunate if the shortcomings in the policing bill prevent President Clinton from making this certification.

Police reform is essential in Northern Ireland to ensure fairness and to strengthen the peace process. The Patten report has the potential to create a genuine new police service that will have and deserve the trust of all the people in Northern Ireland. It would be a tragedy if this opportunity to achieve a new beginning in policing is lost. I urge the Senate to approve this resolution.

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

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

WHAT A TRAVESTY—POLICE BILL IS JUST A PARODY OF PATTEN

(By Brendan O'Leary)

There are two ways in which the Police (Northern Ireland) Bill before Parliament should be read. The first is to check whether as promised by the Prime Minister, the Secretary of State, and the accompanying Explanatory Notes issued by the Northern Ireland Office it effectively implements the report of the Independent Commission on Policing for Northern Ireland, and thereby is consistent with the terms of the Belfast Agreement. The second is to assess whether the Bill will provide policing arrangements that are appropriate to a democratic state, and that will stabilize Northern Ireland.

My assessment is negative on both counts. The Bill therefore requires radical amendment by the friends of the Belfast Agreement in Parliament, and if these radical amendments are not made I believe it is essential that genuine supporters of the Agreement should vote against this Bill becoming law. It does not implement the Patten Report: What it implements is a slightly re-worked version of the Police (Northern Ireland) Act of 1998, with half-hearted nods in the direction of Patten. It is not just not good enough; in some respects it is worse than the status quo.

The Patten Report, by contrast, met its terms of reference under the Belfast Agreement. Eight criteria were either explicitly or implicitly mandated for the commissioner, I shall compare these directly with what is offered in the Bill before Parliament.

IMPARTIALITY

The first term of reference for Patten and his commissioners was to recommend how to create a widely acceptable ''impartial'' service. The Commission chose to avoid proposing an explicitly bi-national or bi-cultural police. Instead it plumped for neutral impartiality between unionism/localism and nationalism/republicanism. Its preference, the Northern Ireland Police Service (NIPS), was a neutral title, not least because nationalists in the 1998 referendum, North and South, overwhelmingly accepted the current status of Northern Ireland as part of the UK, as long as a majority so determine. The RUC was not a neutral title, so it was recommended to go, period. The codes of police officers and their future training were to reflect a commitment to impartiality and respect for democratic unionism/loyalism and democratic nationalism/republicanism. The display of the Union flag and the portrait of the Queen at police stations were recommended to go to dissociate the police from identification with the Union, the Crown and the British nation. In Patten's words symbols should be ''free from association with the British or Irish states''.

Patten's recommendations for a territory that is primarily divided into two communities that are of almost equal size but that have rival national allegiances were entirely sensible. They flowed straightforwardly from the Belfast Agreement's commitment to establishing ''parity of esteem'' between the national traditions, and the British government's commitment to ''rigorous impartiality'' in its administration.

The Bill proposes that the Secretary of State be given the power to decide on the issues of name and emblems at some point in the future, not a stay of execution, but a stay of decision. The Bill does not deal with these matters as Patten recommended, and this must be corrected as the Bill makes its way through Parliament. It would not be a recipe for re-igniting conflict, and a gift to republican dissidents, if the Secretary of State were to opt, when he makes his decision, to retain the name of the RUC as part of the reformed police's working title.

A title such as the ''Police Service of Northern Ireland incorporating the RUC whose long-serving members are not required to take the new oath of service'', would be a mockery, replacing the virtues of political compromise with surrender to blackmail.

''REPRESENTATIVE'' POLICE SERVICE

Patten's second term of reference was to establish a ''representative'' police service. The commissioners proposed recruiting Catholics and non-Catholics in a 50:50 ratio from the pool of qualified candidates for the next ten years. This matches the population ratios in the younger age-cohorts. On their model—given early and scheduled retirements of serving officers—this policy would ensure that 30 percent of the service would be of Catholic origin by year 10, and between 17 percent and 19 percent within four years (above the critical mass of 15 percent that they claimed is necessary to change the police's character). This is a significantly slower pace of change than some of us advocated, but the commissioners justified it because they wished to avoid a service that would have non-Catholic Chiefs and Catholic Indians. By intending to make each successive cohort religiously representative now, and by ensuring that the new service would be seen as impartial, the commissioners had an arguable case. Steps would, of course, still need to be taken to ensure that the new Catholics are broadly representative of the Catholic community—i.e. mostly nationalist or republican in political opinion. There would also need to be sufficient secondments from the Garda Siochana and elsewhere to ensure a representative array of senior police of Catholic origin.

The Police Bill makes a mockery of these recommendations. The period in which the police are to be recruited on a 50:50 basis has been reduced to three years, with any extension requiring a decision by the Secretary of State.

The Bill is completely silent on aggregation, the policy proposed by Patten for dealing with years in which there might be a shortfall in the recruitment of suitably qualified cultural Catholics, and it is also dangerously silent on targeting. The Bill does not even make clear whether the Government will explicitly do what is necessary to meet the ''critical mass'' identified by Patten.

As drafted it is a recipe for minute change, that on current demographic trends will ensure that a shrinking minority of men of unionist disposition will police a growing minority of nationalist disposition.

FREE FROM PARTISAN POLITICAL CONTROL

A third term of reference required Patten to propose policing arrangements ''free from partisan control.''

The Commission's task was to ensure democratic accountability of policing ''at all levels'' while preventing any dominant political party from being able to direct the police to their advantage. The proposed Policing Board was to meet this objective. On Patten's model it would represent members from political parties present in the Executive, according to the d'Hondt rule of proportional allocation. The District Policing Partnership Boards (DPPBs) should also have met this objective—twenty out of twenty six local government districts now have office-rotation or power-sharing agreements.

Those seeking to amend the Bill should consider formally extending the d'Hondt principle to party representatives on the DPPBs a step entirely consistent with the Agreement.

The Bill thwarts Patten on the criterion of avoiding partisan control. By introducing a requirement that the Policing Board operate according to a weighted majority when recommending an inquiry it effectively re-establishes partisan unionist control. On Patten's model, ten members of the Policing Board would come from the parties in the current Executive—currently five nationalists and five unionists, and the other nine would have been nominated by the First Minister and Deputy First Ministers, which would likely and reasonably imply a slight majority broadly of unionist disposition—a reflection of Northern Ireland society. Under

the model proposed in the Bill, the nine appointed members will, in the first instance, be appointed by the Secretary of State, not foreseen by Patten. But even if this produces the same outcomes as joint nominations from the First and Deputy First Ministers the Bill's proposed weighted majority rule will give unionists and unionist approved members a blocking minority on matters as fundamental as pursuing reasonable inquiries into allegations about police misconduct or incompetence.

This is a direct violation of the terms of reference of the Agreement.

EFFICIENT AND EFFECTIVE POLICING

A fourth criterion set for Patten was to promote ''efficient and effective'' policing arrangements. Here the commissioners scored highly. They deliberately avoided false economies. Generous severance and early retirement packages were to ease quite fast changes in the composition and ethos of the current personnel. They reasoned that an over-sized police service could fulfill the following tasks:

Begin a novel and far-reaching experiment in community policing;

Deter hard-line paramilitaries opposed to the Agreement, and those tempted to return to active combat;

Manage large-scale public order functions (mostly occasioned by the Loyal Orders); and

Facilitate faster changes in the services' religious and gender composition than might otherwise be possible.

The provisions enabling local governments to experiment and out-source policing services were also designed to ''market-test'' effectiveness, while the steps recommended to produce greater ''civilianisation'' were to free personnel for mainstream policing tasks and deliver long-run savings.

The Bill is multiply at odds with Patten on efficiency and effectiveness. It fails to provide a clearly effective system of accountability, which means that existing inefficiencies will continue to flourish, and ineffectiveness will be overlooked. The Secretary of State is, bizarrely, empowered to prevent an inquiry by the Policing Board if it is deemed not to be in the interests of efficiency and the effectiveness of the police as if the prime activity of a Board which requires a weighted majority to start an enquiry will be to embark on wasteful investigations! The Secretary of State, and not the Policing Board, is charged with setting targets and performance indicators for the police a recipe for producing an ineffective Board, 'not the strong independent and powerful Board' that Patten recommended. The full-time reserve, which Patten recommended should be disbanded, in the interests of efficiency and promoting fast changes in composition, is, so far as I can tell, left on a statutory basis in the Bill. And the District Policing Partnership Boards have been eviscerated because of propaganda about paramilitaries on the rates. It is simply amazing that grown-up people could accuse Christopher Patten, an intelligent Tory, of signing a report to subsidize paramilitarism; but it is perhaps more amazing that the Government can present this Bill as a text to implement the Patten Report.

HUMAN RIGHTS CULTURE

A fifth term of reference which Patten had to meet was policing arrangements infused with a human rights culture. Patten's commissioners did their job. It is proposed that new and serving officers would have knowledge of human rights built into their training and re-training (provided by non-police personnel) and their codes of practice. The astonishing absence of legal personnel within the RUC with expertise in human rights was singled out for remedy. The incorporation of the European Convention into UK public law, and Northern Ireland's own forthcoming special provisions to strengthen the rights of national, religious and cultural minorities, were welcomed as likely to ensure that policing and legal arrangements have to perform to higher standards than in the past, but other international norms were also held out as benchmarks: 'compliance * * * with international human rights standards and norms are * * * an important safeguard both to the public and to police officers carrying out their duties' (Patten, para: 5.17). Patten, para: 5.17). Patten's proposed steps for normalizing the police dissolving the special branch into criminal investigations, and demilitarising the police in step with hoped-for decommissioning, also met the human rights objectives of the Agreement.

The Police Bill on this criterion, as in others is almost a parody of the Patten Report. The Bill restricts the new oath, which includes a commitment to human rights to new officers. It incorporates no standards of rights protection higher than that in the European Convention. It places responsibility for a Code of Ethics not with the Policing Board, but with the Chief Constable, who is not obligated to consult the new Human Rights Commission on its content. The Bill explicitly excludes Patten's proposed requirement that an oath of service 'respect the traditions and beliefs' of people. The Policing Board cannot inquire into past police misconduct, and the Secretary of State is empowered to prevent the Ombudsman from so doing.

This was a sixth criterion that Patten had a meet; the Commission's terms of reference included 'at all levels'. Accountable decentralisation was proposed through giving directly elected local governments opportunities to influence the policy formulation of the Policing Board though their own District Policing Partnership Boards. The latter would not merely have had the power to question police district commanders but would have the ability to use their own resources to 'purchase additional services from the police or statutory agencies, or from the private sector'.

The Patten Report sensibly also commended significant internal decentralisation within the police, stripping away redundant layers of management to free up district commanders to deliver sensitive policing according to local needs. Better still, Patten recommended matching police internal management units to local government districts.

The Bill maintains centralisation in three ways. First, it gives power to the Secretary of State that Patten intended should be immediately devolved to the First and Deputy First Ministers. Secondly, the Bill weakens Patten's recommendations regarding decentralisation to district councils and gives the Secretary of State the right to issue instructions to the DPPBs.

Patten recommended that these be able to contribute up to the 'equivalent of a rate of 3p in the pound' to pay for extra policing services to meet their distinctive needs. This provision is not in the Bill. Thirdly, Patten was committed to the establishment of neighborhood policing: that every neighborhood should have a dedicated policing team, that its officers have their names and the names of their neighborhood displayed on their uniforms, and that they should serve 3–5 years in the same neighborhood. The Bill contains no such provisions.

DEMOCRATIC ACCOUNTABILITY

The seventh and perhaps the most important criterion that Patten and his commissioners had to meet was 'democratic accountability'.

Patten's subject was 'policing Northern Ireland' not 'the police in Northern Ireland'. Policing should not be the monopoly of a police force, as it is called throughout this Bill, or indeed of a service, as Patten commended. Policing should be organized in a self-governing democratic society by a plurality of agents and organizations, indeed by a network of such organisations. It should not be exclusively the responsibility of a monolithic, centralised, line-hierarchy, detached and apart from the rest of society. Ultimate responsibility for the security of persons and property in society should remain with citizens and their representatives. This logic was apparent in the title and proposed organisation of the proposed 'Policing Board' that was recommended to replace the present entirely unelected Police Authority which, despite its name, has no authority and even less legitimacy. The Board, as emphasised, was to bring together ten elected politicians drawn in proportion to their representative strength in seats, from the parties that comprise the new Executive with nine appointed members, representative of a range of sectors of civil society, 'business, trade unions, voluntary organisations, community groups and the legal profession'.

The elected members cannot be ministerial office-holders. The unelected members (under a devolved government) were to be appointed by the First and Deputy Ministers.

The Board was therefore envisaged as broadly representative, in both its elected and unelected members, and at one remove from direct executive power so that it was less likely to become the mere instrument of ministers.

A similar logic lay behind Patten's proposal to give the Board responsibility for negotiating the annual policing budget with the Northern Ireland Office, or with the appropriate successor body after devolution'.

The Report, contrary to what scaremongers and the right-wing press suggested, was not intended to destroy the operational responsibility of the police, or indeed to party-politicise its management. It was intended to let police managers manage, but to hold them, *post-factum*, to account for their implementation of the Policing Board's general policing policy, and to enhance the audit and investigative capacities of the Board in holding the police to account for their implementation, financial and otherwise, of the Board's policy.

In the Patten Report's vision the police should become fully part of a self-governing democratic society, transparently accountable to its representatives, rather than a potentially self-serving, unaccountable group of budget maximisers, mission-committed to their own conceptions of good policing. The new service would have 'operational responsibility' but would have to justify its uses of its managerial discretion.

What, by comparison with the Patten Report, is in the Bill? Proposals to strengthen the Secretary of State, to strengthen the powers of the Chief Constable, to weaken the new Policing Board from its inception, and to return policing to the police rather than have policing pressurised by and organized by a network of mutually supportive agencies.

The Chief Constable has powers of refusal to respond to reasonable requests by the Board. The Secretary of State, not the Board, sets targets and performance indicators. The Board cannot inquire into the past, and is more or less prevented from making into inquiries into police misconduct or incompetence in the future. The Board's role in budgetary planning is, so far as I can tell, downgraded into that of being a lobbying group for the Chief Constable.

The Board is in fact so weakened that the old Policing Authority has quite correctly condemned the Bill—a response no one would

have predicted when the Prime Minister and the Secretary of State welcomed the Patten Report.

The Ombudsman, the Equality Commission and the Human Rights Commission have no appropriate free-ranging rights of access to policing documentation. The Chief Constable is not even required as a measure of transparency to declare his staff's individual participation in secret societies.

MEETING THE AGREEMENT?

Lastly, the Patten Report and the Bill were supposed to be consistent with the letter and the spirit of the Belfast Agreement. Patten's Report definitely met its terms of reference. The Bill does not. It is incompatible with 'parity of esteem', 'rigorous impartiality' by the UK government, and the objectives set for policing in the Agreement. The Bill does not in its unamended form represent the promised 'new beginning'. It does not 'recognise the full and equal legitimacy and worth of the identities, senses of allegiance and ethos of all sections of the community'. It will not produce a 'service [that] is effective and efficient, fair and impartial, free from partisan political control; accountable . . . representative of the society it polices . . . which conforms with human rights norms'. It will not encourage 'widespread community support' (all quotations from the text of the Agreement). It has been seen through and condemned by the SDLP, the Women's Coalition, the Catholic Church in Ireland, the Committee on the Administration of Justice, the Ombudsman, the existing Police Authority, the Irish Government, and President Clinton, as well as by Sinn Fein. The Bill is a provocation, a fundamental breach of faith, perfidious Britannia in caricature.

So what does the Bill represent? It represents Old Britain. It has been drafted by the forces of conservatism, for the forces of conservatism. It is a slightly smudged and fudged facsimile of the 1998 Act. Unamended it will ensure that neither the SDLP of Sinn Fein will sit on the Policing Board, or recommend their constituents * * *

CRUCIAL ROLE FOR THE CHURCH ON POLICING

(By Fr. Tim Bartlett)

The Catholic Church has a crucial role to play in the debate about policing. On the one hand it represents the religious tradition of those who are most under-represented in the current provision of policing while at the same time, as a specifically religious institution, it exists and operates outside the confines of constitutional politics. As the trustee of Catholic schools and of numerous youth organisations it is also in a unique position to influence that specific group which will have to be encouraged to join the police service if the huge religious and cultural imbalance within policing is to be redressed, that is—young Catholics.

The Independent Commission on Policing openly acknowledged this pivotal role of the Church in regard to recruitment. It appealed directly to bishops, priests and school teachers to . . . take steps to remove all discouragements to members of their communities applying to join the police, and make it a priority to encourage them to apply. (15.2)

While acknowledging that they did have a role to play, the Catholic bishops were equally clear in their response. The responsibility for removing those things which discourage Catholics from joining the police service rests, first and foremost, with the police service itself and not with the Church or community leaders.

Drawing on their consultations with young Catholics in schools, with school principals and clergy, with lay people and legal professionals, the Catholic bishops were crystal clear about what this would require—an end to the partisan political and cultural domination of policing by one side of the community, greater accountability and a clear commitment to human rights in all aspects of policing. This in turn would require the removal of all those things which are not essential to effective, professional policing but which continue to present a serious obstacle to recruitment among the vast majority of young Catholics. This included those aspects of current policing, such as the name and badge, which require most young Catholics to forego their legitimate political and cultural allegiances and to submit to an ethos and a culture which is not only unfamiliar but also frequently hostile. As one young Catholic put it, ''How would a young Conservative in England feel if, in order to pursue a career in the police, they had to join new Labour?''.

As a result of their consultations, the bishops concluded, and made clear to the government, that the only way of encouraging a sufficient number of young Catholics to join the police service was to implement the Patten Report in full.

Many people who wanted no change to the cultural domination of policing by unionism were quick to accuse the bishops of promoting 'green agenda', or of joining a 'pannationalist front', totally ignoring the fact that no one, including the bishops, had suggested that the unionist domination of policing should be exchanged for a nationalist one. What was being proposed was a vision of a pluralist police service for a pluralist society. The issue was not one of religious affiliation as such, but of the right of all citizens to a neutral working environment, to pursue a career in the noble profession of policing without having to subjugate legitimate political, cultural or religious convictions to an exaggerated Unionist ethos which has nothing to do with professional policing.

Those unionist spokesmen on policing who were disappointed with the Catholic Church's position decided to react by employing an offensive distinction in their public statements between what they now call ''reasonable'' Catholics and ''unreasonable'' Catholics, the latter of course referring to that overwhelming majority of Catholics who do not subscribe to a unionist point of view. Apart from labelling the vast majority of Catholics, including the Catholic bishops as ''unreasonable'', something which affirms the presence of an underlying ethnic superiority within unionism, those who support a continued unionist possession of policing also decided to ''spin'' a number of statistical findings about Catholics and policing.

The rate of Catholic applications we were told had risen to 20 percent since the ceasefires. This was heralded as proof that the main obstacle to Catholic recruitment to the RUC had been the existence of a paramilitary threat. What was conveniently ignored, however, was the fact that a 20 percent application rate was merely a return to the level of application which had existed prior to the troubles. Even then, without the existence of a paramilitary threat for almost 50 years, the maximum level of participation in policing by Catholics for any sustained period was never more than 12 percent.

We were also told the results of a survey by the Police Authority on issues such as the name and the badge. Interestingly the Police Authority Report itself points out that we must always be cautious about the way in which we interpret and use opinion survey findings (p. 42). Even more interestingly, several important aspects of this survey have been conveniently ignored by those who oppose a pluralist ethos in policing. One is the fact that in regard to the proposed change of name the survey did not ask Catholics whether they agreed or disagreed with a change of name—it simply asked if this would lead to an increase in support for policing. This question was asked, however, in relation to the slightly less contentious issue of the badge. Here, when asked whether they agreed or disagreed with a change of the symbolism associated with the badge over 71% of Catholics agreed that the badge should be changed. This did not include the additional 19% who neither agreed nor disagreed. What this indicated clearly, but which is not admitted by those who published the report, is that there was overwhelming evidence of support in the Catholic community for a change to the symbols and ethos of the RUC.

The second major weakness of the survey was that it did not focus on the opinions of those who are most relevant to the issue of recruitment. that is—young Catholics—most notably those between 14 and 26 years of age. Principals of Catholic schools, leaders of Catholic youth clubs and clergy who were asked by the bishops about these issues were very clear about the opinion of this age group, in regard to the sectarian bias of the RUC and the need to change the name and symbols if the recruitment of young Catholics in sufficient numbers was to become a possibility. The Police Authority survey did not take account of the views of this important group.

At the end of the day the proverbial ''dogs in the street'' know that the most serious obstacle to the recruitment of young Catholics remains the unapologetic and ongoing effort of the unionist community to dominate policing and to obstruct the pluralist and community based ethos proposed by the Patten Report. The failure of the secretary of state to remain faithful to key elements of the Patten Report in the current Policing Bill and his willingness to subject a fundamental issue of cycle justice—the right to representative policing—to the ''spin and win'' of politics, has provided one of the greatest ''obstacles to encouragement'' for young Catholics to have emerged in recent years. In this context any appeal to the Catholic Church to '. . . make it a priority to encourage Catholics to join' is unlikely to be taken up by Church leaders. If the government and the unionist community does have the recruitment of young Catholics as a priority, what hope has the Catholic Church?

If we are to achieve the new beginning to policing made possible through the independent adjudication of this issue by an independent commission, then it is time for the unionist tradition to let go of its cultural possession of policing and to acknowledge the real pain, suffering and sectarian bias which many Catholics have experienced, and continue to experience, at the hands of the RUC. It is time for the British government to acknowledge that most Catholics have been ''locked out'' of policing for the last 80 years because of their legitimately held political and cultural beliefs and that in a pluralist society this cannot continue to be the case.

The Catholic Church as gone to great lengths, in recent months, to pay tribute to the RUC and to acknowledge the great price that RUC officers have paid in the effort to maintain stability and peace. Apart from their various public statements, the decision by Archbishop Brady to attend the George Cross award ceremony was a courageous and public acknowledgement by the Catholic bishops that the future of policing, indeed of our whole society depends on giving due recognition to the suffering and sacrifice which has been part of our collective past. What a pity then that, as yet, Protestant Church leaders, unionist politicians and the British government in the current Policing Bill,

have not found it possible to offer any similar reassurance to the Catholic community about the commitment of the Unionist-British tradition to the ''new beginning to policing'' promised by the Belfast agreement. Such reassurances, from such voices, while surprising, would certainly be a welcome change.

• Mr. LEAHY. Mr. President, I am pleased to join Senators KENNEDY, DODD, and MACK in introducing this resolution on police reform in Northern Ireland.

Police reform is necessary in Northern Ireland to guarantee fairness and to advance the peace process.

Our resolution expresses the Sense of the Senate that the full and speedy implementation of the Patten Commission's recommendations on reforming the police service in Northern Ireland holds the promise of ensuring that the police service will gain the support of both nationalists and unionists. It calls on the British Government to fully and faithfully implement the recommendations included in the Patten Commission report. It also commends the parties to the Good Friday Agreement for progress to date in implementing all aspects of the Good Friday Agreement and urges them to move expeditiously to complete the implementation.

Mr. President, I ask unanimous consent that documents which raise concerns about police reform legislation be included at the end of my remarks. I urge my colleagues to approve this resolution.

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

LAWYERS COMMITTEE
FOR HUMAN RIGHTS,
New York, NY, June 16, 2000.

Re Northern Ireland police bill.

The Rt. Hon. PETER MANDELSON,
Secretary of State for Northern Ireland, Northern Ireland Office, Stormont Castle, Belfast, Northern Ireland.

DEAR MR. MANDELSON: We are writing to you to convey our continued concern about the proposed Northern Ireland Police Bill. We recognise the difficult choices you face in implementing a comprehensive program of police reform in Northern Ireland. We are aware also of the deep sensitivities surrounding the police issues that cut across religious, racial and political lines. We commend you for the time and attention you have directed to this highly important subject. It is precisely because it is so important that we write to you again following our letter on May 26, to register concerns that arise out of the debate at the Second Reading of the Bill.

At the Reading, you emphasised the need to concentrate on ''detail'' and to move away from ''rhetoric'' and ''hyperbole''. We agree, and recognise that this is a critical time to ensure that the legislation accurately embodies the recommendations made by the Patten Commission. However, we take strong exception to your assertion that the ''spirit as well as the letter'' of the Bill you are proposing fully implements the Patten Commission's recommendations. To the contrary, we are greatly concerned that the proposed legislation fails to implement key elements of the Patten Commission's Recommendations especially relating to Police accountability.

POLICE OMBUDSMAN AND POLICING BOARD

In particular, the legislation significantly curtails the powers of the Police Ombudsman and the Policing Board. In fact, as it now stands, the legislation appears to undermine the very mechanism that the Patten Commission envisaged as necessary for holding the police force and its Chief accountable.

a. Police Ombudsman

With respect to the power of the Police Ombudsman, the Patten Commission recommended that:

''[The Ombudsman] should exercise the power to initiate inquiries and investigations even if no specific complaint has been received . . . (and) should exercise the right to investigate and comment on police policies and practices, where these are perceived to give rise to difficulties.'' (Recommendation 38).

In rejecting both the spirit and the letter of this recommendation, you indicated at the Second Reading that you believed you were right ''to resist the suggestion that the Ombudsman should also have powers to review the policies and practices of the police service.'' You proposed, instead, that she would be able to raise wider issues only in the course of investigating individual complaints.

The government's proposal, if accepted, will create a system that would allow the Ombudsman to only address patterns of misconduct by chance. Such an inquiry would only be triggered if a person happens to come forward with an individual complaint that also reveals a wider issue. This is contrary to the Patten Commission's recommendation, and does not seem the most effective way to monitoring police adherence to human rights standards.

b. Policing Board

In proposing the creation of a police board, the Patten Commission recognised that the Board could only be effective if it were independent and powerful. (see Patten Report, paragraph 6.23). The Commission proposed that the Policing Board have power to initiate inquiries so that it had an alternative mechanisms to ensure accountability, and not be limited to the extreme remedy of calling upon the Chief Constable to retire.

In rejecting this recommendation, the proposed legislation bars the Policing Board's ability to inquire into past misconduct and gives the Secretary of State the power to prevent the Ombudsman from doing so. Although we are pleased that you have indicated your initial proposal has ''probably gone too far in the limitations'' imposed on the Policing Board's powers, we are concerned that you appear to still believe that the power to initiate inquiries is 'extreme'.

We urge you to ensure that the legislation reflects the Patten Commission's major emphasis on the centrality of human rights by granting these monitoring bodies the power proposed by the Commission.

OVERSIGHT COMMISSIONER

The new Oversight Commissioner, Mr. Constantine, will have a critically important role in implementing police reform and restructuring. The Patten Commission's Report proposed wide powers and latitude for the Oversight Commissioner. We are pleased that the Commissioner's terms of reference will have a statutory basis, and we look forward to studying the amendments brought forward on this point. We consider it vital that the Oversight Commissioner's mandate relates to his responsibility for overseeing the implementation of the breadth of change envisaged in the Patten Commission's recommendations, and not simply the Implementation Plan. From a cursory reading of the Implementation Plan, it is clear that it rests considerable discretion in the Chief Constable, a constraint that is at odds with the overall approach envisioned by the Patten Report. We strongly urge that the Commission's written terms of reference give him the broadest scope, latitude and independence possible to enable him to effectively carry out his essential mission.

HUMAN RIGHTS STANDARDS

Finally, we are concerned that the Bill fails to establish adequate means for incorporating a human rights culture into policing in Northern Ireland. Members of the Patten Commission understood that international norms are important safeguards to both ''the public and to the police officers carrying out their duties.'' (Recommendation 5.17). The Police Bill should reflect this principle at every opportunity—in defining the function of the Police Board, the role of the police, and organising principles of the Code of Ethics.

Official accountability is an essential key to building public confidence in a new policing institution in Northern Ireland. I am sure you can appreciate that without this public credibility, all reform efforts will be seriously undermined. You have been presented with a unique opportunity to institute effective and lasting reforms within the police in Northern Ireland which puts a premium on respect for human rights. If successful, the Northern Ireland experience could become a model for other countries around the world embarking on their own path to reform. But success must be built on a legislative framework that ensures the fullest official accountability.

We will continue to closely monitor the development of this legislation. We look forward to hearing from you and would welcome the opportunity to meet with you or your representatives to discuss these issues further.

Respectfully,

MICHAEL POSNER,
Executive Director.

POLICE BILL LOOKS SET TO RENDER POLICING BOARD INEFFECTIVE

The Police Authority today expressed ''deep concern'' about the new Police (NI) Bill 2000.

Authority Chairman Pat Armstrong stressed that although the body was reluctant to criticise new legislation it felt it had no alternative.

''The Police Authority hoped to have been able to give the same broad welcome to this Bill which it gave to the Patten report when it was published.

''We want to see policing in Northern Ireland move forward. Although the main public focus on this legislation so far has been about the name and symbols of the police service, we feel that damaging limitations on the powers of the new Policing Board represent the real meat of the debate.

''The Police Authority has worked vigilantly for the last thirty years to ensure police accountability to the people of Northern Ireland and to protect the police service from political intervention. In doing so we have made no secret of the fact that our powers have always been severely limited by the restrictions imposed on us by successive Secretaries of State.

''We therefore welcomed Patten's proposal and believed it would at long last create a strong, independent and powerful Policing Board for the community at large.

''Worryingly, the early signs in this Bill are that the Secretary of State is trying to curb the powers of this new Board and substantially weaken its credibility before it even gets off the ground.

''While we haven't had the opportunity to analyze the full impact of the Secretary of

State's proposals, it seems that if the legislation goes through as it stands, the new Policing Board could actually have less power then the current Police Authority—a situation we find ludicrous and totally unacceptable.''

''Police planning and financial control are two key areas where it seems the new Board will have a reduced role, while the Secretary of State enjoys greater influence.

''And where the Board was supposed to get new powers, it seems rigid restrictions have been imposed. On the power to initiate enquiries for example, it is difficult to see how the Board could ever satisfy all the conditions required by the Secretary of State.''

''This is not the first time that Government has attempted to control policing in Northern Ireland. In our original submission to the Patten Commission we catalogued consistent attempts by the Government over the years to suppress the powers of the Police Authority.

''Successive Authorities have resisted such attempts by Government to directly influence policing and we will continue to do so in guarding against any weakening of the powers envisaged by Patten for the new Policing Board. The Patten report itself stated, 'we do not believe the Secretary of State . . . should ever appear to have the power to direct the police.'—this obviously signalled a clear intention on the Commission's part to curtail the powers of Government—not enhance them as the proposed legislation seems set to do.''

Mr. Armstrong however said the Authority supported much of the legislation including the apparent safeguards put in place to prevent District Policing Partnerships raising money for 'freelance' police services. He added that more time would be needed to examine all the issues in detail.

The Authority will shortly publish an in-depth analysis of the Government's proposed Patten legislation and implementation plan.●

AMENDMENTS SUBMITTED

DEPARTMENT OF LABOR APPROPRIATIONS ACT, 2001

COLLINS (AND REED) AMENDMENT NO. 3700

Mr. SPECTER (for Ms. COLLINS (for herself and Mr. REED)) proposed an amendment 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 34, on line 13, before the colon, insert the following: '', of which $10,000,000 shall be used to provide grants to local nonprofit private and public entities to enable such entities to develop and expand activities to provide substance abuse services to homeless individuals''.

KERREY (AND OTHERS) AMENDMENT NO. 3701

Mr. HARKIN (for Mr. KERREY (for himself, Mr. BINGAMAN and Mr. ENZI)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 68, line 2, before the colon, insert the following: '', of which $250,000 shall be for the Web-Based Education Commission''.

COLLINS (AND OTHERS) AMENDMENT NO. 3702

Mr. SPECTER (for Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. JEFFORDS, Mr. BIDEN, Mrs. MURRAY, Mr. ENZI, Mr. WELLSTONE, Mr. BINGAMAN, Mr. ROBB, Mr. KERRY, Mr. ABRAHAM, and Mr. REED)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 24, line 1, strike ''and''.

On page 24 line 7, insert before the colon the following; '', and of which $4,000,000 shall be provided to the Rural Health Outreach Office of the Health Resources and Services Administration for the awarding of grants to community partnerships in rural areas for the purchase of automated external defibrillators and the training of individuals in basic cardiac life support''.

JEFFORDS AMENDMENT NO. 3703

Mr. SPECTER (for Mr. JEFFORDS) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 43, line 9, before the colon, insert the follow: '', of which 5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions''.

SPECTER AMENDMENT NO. 3704

Mr. SPECTER proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 50, line 20, after the dash insert the following: ''Except as provided by subsection (e)''.

On page 51, line 1 strike ''December 15, 2000'' and insert in lieu thereof: ''March 1, 2001''.

On page 52, line 2, strike ''2000'' and insert in lieu thereof ''2001''.

On page 52, after line 2, insert the following new section

''(e) TERRITORIES.—None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.''

GRAHAM AMENDMENT NO. 3705

(Ordered to lie on the table.)

Mr. HARKIN (for Mr. GRAHAM) proposed an amendment to the bill, H.R. 4577, supra; as follows:

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

SEC. . (a) STUDY.—The Secretary of Health and Human Services shall conduct a study to examine—

(1) the experiences of hospitals in the United States in obtaining reimbursement from foreign health insurance companies whose enrollees receive medical treatment in the United States;

(2) the identity of the foreign health insurance companies that do not cooperate with or reimburse (in whole or in part) United States health care providers for medical services rendered in the United States to enrollees who are foreign nationals;

(3) the amount of unreimbursed services that hospitals in the United States provide to foreign nationals described in paragraph (2); and

(4) solutions to the problems identified in the study.

(b) REPORT.—Not later than March 31, 2001, the Secretary of Health and Human Services shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations, a report concerning the results of the study conducted under subsection (a), including the recommendations described in paragraph (4) of such subsection.

BINGAMAN (AND OTHERS) AMENDMENT NO. 3706

(Ordered to lie on the table.)

Mr. HARKIN (for Mr. BINGAMAN (for himself, Mr. REID, Ms. COLLINS, and Mr. DEWINE)) 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 of the amount made available under this heading for activities carried out through the Fund for the Improvement of Education under part A of title X, $10,000,000 shall be made available to enable the Secretary of Education to award grants to develop and implement school dropout prevention programs''.

REID AMENDMENT NO. 3707

(Ordered to lie on the table.)

Mr. HARKIN (for Mr. REID) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the appropriate place, insert the following:

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

SEC. . Section 448 of the Public Health Service Act (42 U.S.C. 285g) is amended by inserting ''gynecologic health,'' after ''with respect to''.

DURBIN (AND OTHERS) AMENDMENT NO. 3708

(Ordered to lie on the table.)

Mr. HARKIN (for Mr. DURBIN (for himself, Mr. DEWINE, Mr. BINGAMAN, Mr. SCHUMER, Mr. KERRY, Mr. FITZGERALD, and Mr. ABRAHAM)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 26, line 25, before ''of which'' insert the following: ''of which $20,000,000 shall be made available to carry out children's asthma programs and $4,000,000 of such $20,000,000 shall be utilized to carry out improved asthma surveillance and tracking systems and the remainder shall be used to carry out diverse community-based childhood asthma programs including both school- and community-based grant programs, except that not to exceed 5 percent of such funds may be used by the Centers for Disease Control and Prevention for administrative costs or reprogramming, and''.

DURBIN (AND OTHERS) AMENDMENT NO. 3709

(Ordered to lie on the table.)

Mr. HARKIN (for Mr. DURBIN (for himself, Mr. REED, Mrs. MURRAY, Mr. KERRY, Mrs. HUTCHISON, and Mrs. FEINSTEIN)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

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

SEC. _____. In addition to amounts otherwise appropriated under this title for the Centers for Disease Control and Prevention, $37,500,000, to be utilized to provide grants to States and political subdivisions of States under section 317 of the Public Health Service Act to enable such States and political

subdivisions to carry out immunization infrastructure and operations activities: *Provided,* That of the total amount made available in this Act for infrastructure funding for the Centers for Disease Control and Prevention, not less than 10 percent shall be used for immunization projects in areas with low or declining immunization rates or areas that are particularly susceptible to disease outbreaks, and not more than 14 percent shall be used to carry out the incentive bonus program: *Provided,* That amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be further reduced on a pro rata basis by $37,500,000.

SMITH OF NEW HAMPSHIRE (AND OTHERS) AMENDMENT NO. 3710

Mr. SPECTER (for Mr. SMITH of New Hampshire (for himself, Ms. LANDRIEU, and Mr. DURBIN)) proposed an amendment to the bill H.R. 4577, supra; as follows:

At the appropriate place, add the following: ''None of the funds appropriated under this Act shall be expended by the National Institutes of Health on a contract for the care of the 288 chimpanzees acquired by the National Institutes of Health from the Coulston Foundation, unless the contractor is accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International or has a Public Health Services assurance, and has not been charged multiple times with egregious violations of the Animal Welfare Act.''.

DODD AMENDMENT NO. 3711

Mr. HARKIN (for Mr. DODD) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

SEC. ____. TECHNOLOGY AND MEDIA SERVICES.

Notwithstanding any other provision of this Act—

(1) the total amount appropriated under this title under the heading ''OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES'' under the heading ''SPECIAL EDUCATION'' to carry out the Individuals with Disabilities Education Act shall be $7,353,141,000, of which $35,323,000 shall be available for technology and media services; and

(2) the total amount appropriated under this title under the heading ''DEPARTMENTAL MANAGEMENT'' under the heading ''PROGRAM ADMINISTRATION'' shall be further reduced by $800,000.

SPECTER AMENDMENT NO. 3712

Mr. SPECTER proposed an amendment to the bill, H.R. 4577, supra; as follows:

In amendment #3633, as modified, strike ''$78,200,000'' and insert ''$35,000,000'' in lieu thereof.

STEVENS (AND OTHERS) AMENDMENTS NOS. 3713–3714

Mr. SPECTER (for Mr. STEVENS (for himself, Mr. JEFFORDS, and Mr. KENNEDY)) proposed two amendments to the bill, H.R. 4577, supra; as follows:

AMENDMENT NO. 3713

On page 69, line 2, after the colon insert the following proviso: ''*Provided further,* That of the funds appropriated $5,000,000 shall be made available for a high school state grant program to improve academic performance and provide technical skills training, $5,000,000 shall be made available to provide grants to enable elementary and secondary schools to provide physical education and improve physical fitness''.

AMENDMENT NO. 3714

On page 41, at the beginning of line 12 insert the following: ''$5,000,000 shall be made available to provide grants for early childhood learning for young children, of which''.

LEAHY AMENDMENT NO. 3715

Mr. HARKIN (for Mr. LEAHY) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 45, line 4, insert before the period the following: '': *Provided,* That an additional $2,500,000 shall be made available for the Office for Civil Rights: *Provided further,* That amounts made available under this title for the administrative and related expenses of the Department of Health and Human Services shall be reduced by $2,500,000.

HARKIN AMENDMENT NO. 3716

Mr. HARKIN proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 40, line 5, strike ''$60,000,000'' and insert ''$100,000,000''.

DeWINE (AND OTHERS) AMENDMENT NO. 3717

Mr. SPECTER (for Mr. DEWINE (for himself, Mrs. MURRAY, Mr. GRASSLEY, Mr. DURBIN, Mrs. LINCOLN, Mr. HAGEL, and Mr. DODD)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

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

SEC. ____. (a) In addition to amounts made available under the heading ''Health Resources and Services Administration-Health Resources and Services'' for poison prevention and poison control center activities, there shall be available an additional $20,000,000 to provide assistance for such activities and to stabilize the funding of regional poison control centers as provided for pursuant to the Poison Control Center Enhancement and Awareness Act (Public Law 106-174).

(b) Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be further reduced on a pro rata basis by $20,000,000.

SCHUMER AMENDMENT NO. 3718

Mr. HARKIN (for Mr. SCHUMER) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 27, line 24, before the period insert the following: '': *Provided further,* That in addition to amounts made available under this heading for the National Program of Cancer Registries, an additional $15,000,000 shall be made available for such Program and special emphasis in carrying out such Program shall be given to States with the highest number of the leading causes of cancer mortality: *Provided further,* That amounts made available under this Act for the administrative and related expenses of the Centers for Disease Control and Prevention shall be reduced by $15,000,000''.

DODD AMENDMENT NO. 3719

Mr. HARKIN (for Mr. DODD) proposed an amendment to the bill, H.R. 4577, supra; as follows:

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

SEC. ____. Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''PART G—REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES

''SEC. 581. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES.

''(a) IN GENERAL.—A public or private general hospital, nursing facility, intermediate care facility, residential treatment center, or other health care facility, that receives support in any form from any program supported in whole or in part with funds appropriated to any Federal department or agency shall protect and promote the rights of each resident of the facility, including the right to be free from physical or mental abuse, corporal punishment, and any restraints or involuntary seclusions imposed for purposes of discipline or convenience.

''(b) REQUIREMENTS.—Restraints and seclusion may only be imposed on a resident of a facility described in subsection (a) if—

''(1) the restraints or seclusion are imposed to ensure the physical safety of the resident, a staff member, or others; and

''(2) the restraints or seclusion are imposed only upon the written order of a physician, or other licensed independent practitioner permitted by the State and the facility to order such restraint or seclusion, that specifies the duration and circumstances under which the restraints are to be used (except in emergency circumstances specified by the Secretary until such an order could reasonably be obtained).

''(c) DEFINITIONS.—In this section:

''(1) RESTRAINTS.—The term 'restraints' means—

''(A) any physical restraint that is a mechanical or personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely, not including devices, such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets, or any other methods that involves the physical holding of a resident for the purpose of conducting routine physical examinations or tests or to protect the resident from falling out of bed or to permit the resident to participate in activities without the risk of physical harm to the resident; and

''(B) a drug or medication that is used as a restraint to control behavior or restrict the resident's freedom of movement that is not a standard treatment for the resident's medical or psychiatric condition.

''(2) SECLUSION.—The term 'seclusion' means any separation of the resident from the general population of the facility that prevents the resident from returning to such population if he or she desires.

''SEC. 582. REPORTING REQUIREMENT.

''(a) IN GENERAL.— Each facility to which the Protection and Advocacy for Mentally Ill Individuals Act of 1986 applies shall notify the appropriate agency, as determined by the Secretary, of each death that occurs at each such facility while a patient is restrained or in seclusion, of each death occurring within 24 hours after the patient has been removed from restraints and seclusion, or where it is reasonable to assume that a patient's death is a result of such seclusion or restraint. A notification under this section shall include the name of the resident and shall be provided not later than 7 days after the date of the death of the individual involved.

''(b) FACILITY.—In this section, the term 'facility' has the meaning given the term 'facilities' in section 102(3) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10802(3)).''.

''SEC. 583. REGULATIONS AND ENFORCEMENT.

''(a) TRAINING.—Not later than 1 year after the date of enactment of this part, the Secretary, after consultation with appropriate State and local protection and advocacy organizations, physicians, facilities, and other health care professionals and patients, shall promulgate regulations that require facilities to which the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.) applies, to meet the requirements of subsection (b).

''(b) REQUIREMENTS.—The regulations promulgated under subsection (a) shall require that—

''(1) facilities described in subsection (a) ensure that there is an adequate number of qualified professional and supportive staff to evaluate patients, formulate written individualized, comprehensive treatment plans, and to provide active treatment measures;

''(2) appropriate training be provided for the staff of such facilities in the use of restraints and any alternatives to the use of restraints; and

''(3) such facilities provide complete and accurate notification of deaths, as required under section 582(a).

''(c) ENFORCEMENT.—A facility to which this part applies that fails to comply with any requirement of this part, including a failure to provide appropriate training, shall not be eligible for participation in any program supported in whole or in part by funds appropriated to any Federal department or agency.''.

ENZI AMENDMENT NO. 3720

Mr. SPECTER (for Mr. ENZI) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 13, line 20, strike ''*Provided*'' and insert the following: '': *Provided*, That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 2000, at least $22,200,000 shall be used to carry out education, training, and consultation activities as described in subsections (c) and (d) of section 21 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670(c) and (d)): *Provided further*,''.

TORRICELLI AMENDMENT NO. 3721

Mr. HARKIN (for Mr. TORRICELLI) proposed an amendment 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) Several States have developed and implemented a unique 2-tiered emergency medical services system that effectively provides services to the residents of those States.

(2) These 2-tiered systems include volunteer and for-profit emergency medical technicians who provide basic life support and hospital-based paramedics who provide advanced life support.

(3) These 2-tiered systems have provided universal access for residents of those States 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) One State's 2-tiered 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) These 2-tiered State health systems save the lives of thousands of residents of those States each year, while saving the medicare program, in some instances, as much as $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 may destabilize the 2-tier system that have developed in these States.

(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 2-tiered emergency medical services delivery systems 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.

WELLSTONE AMENDMENT NO. 3722

Mr. HARKIN (for Mr. WELLSTONE) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 71, after line 25, add the following:

SEC. ____. (a) In addition to any amounts appropriated under this title for the Perkin's loan cancellation program under section 465 of the Higher Education Act of 1965 (20 U.S.C. 1087ee), an additional $15,000,000 is appropriated to carry out such program.

(b) Notwithstanding any other provision of this Act, amounts made available under titles I and II, and this title, for salaries and expenses at the Departments of Labor, Health and Human Services, and Education, respectively, shall be further reduced on a pro rata basis by $15,000,000.

LIEBERMAN (AND OTHERS) AMENDMENT NO. 3723

Mr. HARKIN (for Mr. LIEBERMAN (for himself, Mr. GORTON, Mr. BAYH, Mr. BRYAN, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, Mr. ROBB, and Mr. BREAUX)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 71, after line 25, insert the following:

SEC. 305. The Comptroller General of the United States, shall evaluate the extent to which funds made available under part A of title I of the Elementary and Secondary Education Act of 1965 are allocated to schools and local educational agencies with the greatest concentrations of school-age children from low-income families, the extent to which allocations of such funds adjust to shifts in concentrations of pupils from low-income families in different regions, States, and substate areas, the extent to which the allocation of such funds encourage the targeting of State funds to areas with higher concentrations of children from low-income families; the implications of current distribution methods for such funds, and formula and other policy recommendations to improve the targeting of such funds to more effectively serve low-income children in both rural and urban areas, and for preparing interim and final reports based on the results of the study, to be submitted to Congress not later than February 1, 2001, and April 1, 2001.

On page 70, line 7, strike ''$396,672,000'' and insert ''$396,671,000''.

BINGAMAN (AND OTHERS) AMENDMENT NO. 3724

Mr. HARKIN (for Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. JOHNSON, Mr. MCCAIN, Ms. CONRAD, Mrs. MURRAY, Mr. LEAHY, and Mrs. BOXER)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:

SEC. 306.

The amount made available under this title under the heading ''OFFICE OF POSTSECONDARY EDUCATION'' under the heading ''HIGHER EDUCATION'' to carry out section 316 of the Higher Education Act of 1965 is increased by $5,000,000, which increase shall be used for construction and renovation projects under such section; and the amount made available under this title under the heading ''OFFICE OF POSTSECONDARY EDUCATION'' under the heading ''HIGHER EDUCATION'' to carry out part B of title VII of the Higher Education Act of 1965 is decreased by $5,000,000.

BAUCUS (AND JEFFORDS) AMENDMENT NO. 3725

Mr. HARKIN (for Mr. BAUCUS (for himself and Mr. JEFFORDS)) proposed an amendment 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 IMPACTS OF THE BALANCED BUDGET ACT OF 1997.

(a) FINDINGS.—The Senate makes the following findings:

(1) Since its passage in 1997, the Balanced Budget Act of 1997 has drastically cut payments under the medicare program under title XVIII of the Social Security Act in the areas of hospital, home health, and skilled nursing care, among others. While Congress intended to cut approximately $100,000,000,000 from the medicare program over 5 years, recent estimates put the actual cut at over $200,000,000,000.

(2) A recent study on home health care found that nearly 70 percent of hospital discharge planners surveyed reported a greater difficulty obtaining home health services for medicare beneficiaries as a result of the Balanced Budget Act of 1997.

(3) According to the Medicare Payment Advisory Commission, rural hospitals were disproportionately affected by the Balanced Budget Act of 1997, dropping the inpatient margins of such hospitals over 4 percentage points in 1998.

(b) SENSE OF SENATE.—It is the sense of the Senate that Congress and the President should act expeditiously to alleviate the adverse impacts of the Balanced Budget Act of

1997 on beneficiaries under the medicare program under title XVIII of the Social Security Act and health care providers participating in such program.

TORRICELLI (AND REED) AMENDMENT NO. 3726

Mr. HARKIN (for Mr. TORRICELLI (for himself and Mr. REED)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the end of title V, add the following:

SEC. ____. It is the sense of the Senate that each entity carrying out an Early Head Start program under the Head Start Act should—

(1) determine whether a child eligible to participate in the Early Head Start program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program; and

(2) in the case of an child who has not received such a blood lead screening test, ensure that each enrolled child receives such a test either by referral or by performing the test (under contract or otherwise).

TORRICELLI AMENDMENT NO. 3727

Mr. HARKIN (for Mr. TORRICELLI) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 27, line 24, strike the period and insert the following: ": *Provided further,* That the funds made available under this heading for section 317A of the Public Health Service Act may be made available for programs operated in accordance with a strategy (developed and implemented by the Director for the Centers for Disease Control and Prevention) to identify and target resources for childhood lead poisoning prevention to high-risk populations, including ensuring that any individual or entity that receives a grant under that section to carry out activities relating to childhood lead poisoning prevention may use a portion of the grant funds awarded for the purpose of funding screening assessments and referrals at sites of operation of the Early Head Start programs under the Head Start Act.".

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 3728

Mr. SPECTER (for Mr. SMITH of New Hampshire) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the appropriate place add the following:

(a) Whereas sexual abuse in schools between a student and a member of the school staff or a student and another student is a cause for concern in America;

(b) Whereas relatively few studies have been conducted on sexual abuse in schools and the extent of this problem is unknown;

(c) Whereas according to the Child Abuse and Neglect Reporting Act, a school administrator is required to report any allegation of sexual abuse to the appropriate authorities;

(d) Whereas an individual who is falsely accused of sexual misconduct with a student deserves appropriate legal and professional protections;

(e) Whereas it is estimated that many cases of sexual abuse in schools are not reported;

(f) Whereas many of the accused staff quietly resign at their present school district and are then rehired at a new district which has no knowledge of their alleged abuse;

(g) Therefore, it is the Sense of the Senate that the Secretary of Education should initiate a study and make recommendations to Congress and state and local governments on the issue of sexual abuse in schools.".

BAUCUS (AND OTHERS) AMENDMENT NO. 3729

Mr. HARKIN (for Mr. BAUCUS (FOR HIMSELF, MR. BINGAMAN, Mr. DOMENICI, and Mrs. HUTCHISON)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 58, line 3, strike $25,000,000 and insert $350,000,000.

Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be further reduced on a pro rata basis by $10,000,000.

LANDRIEU (AND OTHERS) AMENDMENT NO. 3730

Mr. HARKIN (for Ms. LANDRIEU (for herself, Mr. DEWINE, Mrs. LINCOLN, Mr. GRASSLEY, and Mr. CRAIG)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 41, lines 11 and 12, strike "$7,881,586,000, of which $41,791,000" and insert "$7,895,723,000, of which $55,928,000".

Amounts made available under this Act for the administrative and related expenses of the Department of Health and Human Services, the Department of Labor, and the Department of Education shall be further reduced on a pro rata basis by $14,137,000.

BYRD AMENDMENT NO. 3731

Mr. HARKIN (for Mr. BYRD) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 69 on line 24 insert the following: "*Provided further,* That of the amount made available under this heading for activities carried out through the Fund for the Improvement of Education under part A of title X, $50,000,000 shall be made available to enable the Secretary of Education to award grants to develop, implement, and strengthen programs to teach American history (not social studies) as a separate subject within the school curricula".

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

DURBIN (AND OTHERS) AMENDMENT NO. 3732

(Ordered to lie on the table.)

Mr. DURBIN (for himself, Mr. WELLSTONE, Mr. BINGAMAN, Mr. JOHNSON, Mr. KERRY, Mr. KENNEDY, Mr. HARKIN, and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 53, after line 23, insert the following:

SEC. 243. OPERATIONALLY-REALISTIC TESTING AGAINST COUNTERMEASURES FOR NATIONAL MISSILE DEFENSE.

(a) TESTING REQUIREMENTS.—The Secretary of Defense shall direct the Ballistic Missile Defense Organization—

(1) to include in the ground and flight testing of the National Missile Defense system that is conducted before the system becomes operational any countermeasures (including decoys) that—

(A) are likely, or at least realistically possible, to be used against the system; and

(B) are chosen for testing on the basis of what countermeasure capabilities a long-range missile could have and is likely to have, taking into consideration the technology that the country deploying the missile would have or could likely acquire; and

(2) to determine the extent to which the exoatmospheric kill vehicle and the National Missile Defense system can reliably discriminate between warheads and such countermeasures.

(b) FUTURE FUNDING REQUIREMENTS.—The Secretary, in consultation with the Director of the Ballistic Missile Defense Organization shall—

(1) determine what additional funding, if any, may be necessary for fulfilling the testing requirements set forth in subsection (a) in fiscal years after fiscal year 2001; and

(2) submit the determination to the congressional defense committees at the same time that the President submits the budget for fiscal year 2002 to Congress under section 1105(a) of title 31, United States Code.

(c) REPORT BY SECRETARY OF DEFENSE.—(1) The Secretary of Defense shall, except as provided in paragraph (4), submit to Congress an annual report on the Department's efforts to establish a program for operationally realistic testing of the National Missile Defense system against countermeasures. The report shall be in both classified and unclassified forms.

(2) The report shall include the Secretary's assessment of the following:

(A) The countermeasures available to foreign countries with ballistic missiles that the National Missile Defense system could encounter in a launch of such missiles against the United States.

(B) The ability of the National Missile Defense system to defeat such countermeasures, including the ability of the system to discriminate between countermeasures and reentry vehicles.

(C) The plans to demonstrate the capability of the National Missile Defense system to defeat such countermeasures and the adequacy of the ground and flight testing to demonstrate that capability.

(3) The report shall be submitted not later than January 15 of each year. The first report shall be submitted not later than January 15, 2001.

(4) No annual report is required under this section after the National Missile Defense system becomes operational.

(d) INDEPENDENT REVIEW PANEL.—(1) The Secretary of Defense shall reconvene the Panel on Reducing Risk in Ballistic Missile Defense Flight Test Programs.

(2) The Panel shall assess the following:

(A) The countermeasures available for use against the United States National Missile Defense system.

(B) The operational effectiveness of that system against those countermeasures.

(C) The adequacy of the National Missile Defense flight testing program to demonstrate the capability of the system to defeat the countermeasures.

(3) After conducting the assessment required under paragraph (2), the Panel shall evaluate—

(A) whether sufficient ground and flight testing of the system will have been conducted before the system becomes operational to support the making of a determination, with a justifiably high level of confidence, regarding the operational effectiveness of the system;

(B) whether adequate ground and flight testing of the system will have been conducted, before the system becomes operational, against the countermeasures that are likely, or at least realistically possible, to be used against the system and that other countries have or likely could acquire; and

(C) whether the exoatmospheric kill vehicle and the rest of the National Missile Defense system can reliably discriminate between warheads and such countermeasures.

(4) Not later than March 15, 2001, the Panel shall submit a report on its assessments and evaluations to the Secretary of Defense and to Congress. The report shall include any recommendations for improving the flight testing program for the National Missile Defense system or the operational capability of the system to defeat countermeasures that the Panel determines appropriate.

(e) COUNTERMEASURE DEFINED.—In this section, the term ''countermeasure''—

(1) means any deliberate action taken by a country with long-range ballistic missiles to defeat or otherwise counter a United States National Missile Defense system; and

(2) includes, among other actions—

(A) use of a submunition released by a ballistic missile soon after the boost phase of the missile;

(B) use of anti-simulation, together with such decoys as Mylar balloons, to disguise the signature of the warhead; and

(C) use of a shroud cooled with liquid nitrogen to reduce the infrared signature of the warhead.

HUTCHISON (AND OTHERS) AMENDMENT NO. 3733

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself, Mr. DORGAN, Mr. BROWNBACK, and Mr. EDWARDS) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 123, between lines 12 and 13, insert the following:

SEC. 377. ASSISTANCE FOR MAINTENANCE, REPAIR, AND RENOVATION OF SCHOOL FACILITIES THAT SERVE DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) GRANTS AUTHORIZED.—Chapter 111 of title 10, United States Code, is amended—

(1) by redesignating section 2199 as section 2199a; and

(2) by inserting after section 2198 the following new section:

''§ 2199. Quality of life education facilities grants

''(a) REPAIR AND RENOVATION ASSISTANCE.—(1) The Secretary of Defense may make a grant to an eligible local educational agency to assist the agency to repair and renovate—

''(A) an impacted school facility that is used by significant numbers of military dependent students; or

''(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school.

''(2) Authorized repair and renovation projects may include repairs and improvements to an impacted school facility (including the grounds of the facility) designed to ensure compliance with the requirements of the Americans with Disabilities Act or local health and safety ordinances, to meet classroom size requirements, or to accommodate school population increases.

''(3) The total amount of assistance provided under this subsection to an eligible local educational agency may not exceed $5,000,000 during any period of two fiscal years.

''(b) MAINTENANCE ASSISTANCE.—(1) The Secretary of Defense may make a grant to an eligible local educational agency whose boundaries are the same as a military installation to assist the agency to maintain an impacted school facility, including the grounds of such a facility.

''(2) The total amount of assistance provided under this subsection to an eligible local educational agency may not exceed $250,000 during any fiscal year.

''(c) DETERMINATION OF ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—(1) A local educational agency is an eligible local educational agency under this section only if the Secretary of Defense determines that the local educational agency has—

''(A) one or more federally impacted school facilities and satisfies at least one of the additional eligibility requirements specified in paragraph (2); or

''(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school, but assistance provided under this subparagraph may only be used to repair and renovate that facility.

''(2) The additional eligibility requirements referred to in paragraph (1) are the following:

''(A) The local educational agency is eligible to receive assistance under subsection (f) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) and at least 10 percent of the students who were in average daily attendance in the schools of such agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

''(B) At least 35 percent of the students who were in average daily attendance in the schools of the local educational agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

''(C) The State education system and the local educational agency are one and the same.

''(d) NOTIFICATION OF ELIGIBILITY.—Not later than June 30 of each fiscal year, the Secretary of Defense shall notify each local educational agency identified under subsection (c) that the local educational agency is eligible during that fiscal year to apply for a grant under subsection (a), subsection (b), or both subsections.

''(e) RELATION TO IMPACT AID CONSTRUCTION ASSISTANCE.—A local education agency that receives a grant under subsection (a) to repair and renovate a school facility may not also receive a payment for school construction under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for the same fiscal year.

''(f) GRANT CONSIDERATIONS.—In determining which eligible local educational agencies will receive a grant under this section for a fiscal year, the Secretary of Defense shall take into consideration the following conditions and needs at impacted school facilities of eligible local educational agencies:

''(1) The repair or renovation of facilities is needed to meet State mandated class size requirements, including student-teacher ratios and instructional space size requirements.

''(2) There is a increase in the number of military dependent students in facilities of the agency due to increases in unit strength as part of military readiness.

''(3) There are unhoused students on a military installation due to other strength adjustments at military installations.

''(4) The repair or renovation of facilities is needed to address any of the following conditions:

''(A) The condition of the facility poses a threat to the safety and well-being of students.

''(B) The requirements of the Americans with Disabilities Act.

''(C) The cost associated with asbestos removal, energy conservation, or technology upgrades.

''(D) Overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment.

''(5) The repair or renovation of facilities is needed to meet any other Federal or State mandate.

''(6) The number of military dependent students as a percentage of the total student population in the particular school facility.

''(7) The age of facility to be repaired or renovated.

''(g) DEFINITIONS.—In this section:

''(1) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

''(2) IMPACTED SCHOOL FACILITY.—The term 'impacted school facility' means a facility of a local educational agency—

''(A) that is used to provide elementary or secondary education at or near a military installation; and

''(B) at which the average annual enrollment of military dependent students is a high percentage of the total student enrollment at the facility, as determined by the Secretary of Defense.

''(3) MILITARY DEPENDENT STUDENTS.—The term 'military dependent students' means students who are dependents of members of the armed forces or Department of Defense civilian employees.

''(4) MILITARY INSTALLATION.—The term 'military installation' has the meaning given that term in section 2687(e) of this title.''.

(b) AMENDMENTS TO CHAPTER HEADING AND TABLES OF CONTENTS.—(1) The heading of chapter 111 of title 10, United States Code, is amended to read as follows:

''CHAPTER 111—SUPPORT OF EDUCATION''.

(2) The table of sections at the beginning of such chapter is amended by striking the item relating to section 2199 and inserting the following new items:

''2199. Quality of life education facilities grants.

''2199a. Definitions.''.

(3) The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of such title are amended by striking the item relating to chapter 111 and inserting the following:

''111. Support of Education ..... 2191''.

(c) FUNDING FOR FISCAL YEAR 2001.—Amounts appropriated in the Department of Defense Appropriations Act, 2001, under the heading ''QUALITY OF LIFE ENHANCEMENTS, DEFENSE'' may be used by the Secretary of Defense to make grants under section 2199 of title 10, United States Code, as added by subsection (a).

WARNER AMENDMENT NO. 3734

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 123, between lines 12 and 13, insert the following:

SEC. 377. POSTPONEMENT OF IMPLEMENTATION OF DEFENSE JOINT ACCOUNTING SYSTEM (DJAS) PENDING ANALYSIS OF THE SYSTEM.

(a) POSTPONEMENT.—The Secretary of Defense may not grant a Milestone III decision for the Defense Joint Accounting System (DJAS) until the Secretary—

(1) conducts, with the participation of the Inspector General of the Department of Defense and the inspectors general of the military departments, an analysis of alternatives to the system to determine whether the system warrants deployment; and

(2) if the Secretary determines that the system warrants deployment, submits to the congressional defense committees a report certifying that the system meets Milestone I and Milestone II requirements and applicable requirements of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106).

(b) DEADLINE FOR REPORT.—The report referred to in subsection (a)(2) shall be submitted, if at all, not later than March 30, 2001.

DOMENICI AMENDMENT NO. 3735

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 353, between lines 15 and 16, insert the following:

SEC. 914. COORDINATION AND FACILITATION OF DEVELOPMENT OF DIRECTED ENERGY TECHNOLOGIES, SYSTEMS, AND WEAPONS.

(a) FINDINGS.—Congress makes the following findings:

(1) Directed energy systems are available to address many current challenges with respect to military weapons, including offensive weapons and defensive weapons.

(2) Directed energy weapons offer the potential to maintain an asymmetrical technological edge over adversaries of the United States for the foreseeable future.

(3) It is in the national interest that funding for directed energy science and technology programs be increased in order to support priority acquisition programs and to develop new technologies for future applications.

(4) It is in the national interest that the level of funding for directed energy science and technology programs correspond to the level of funding for large-scale demonstration programs in order to ensure the growth of directed energy science and technology programs and to ensure the successful development of other weapons systems utilizing directed energy systems.

(5) The industrial base for several critical directed energy technologies is in fragile condition and lacks appropriate incentives to make the large-scale investments that are necessary to address current and anticipated Department of Defense requirements for such technologies.

(6) It is in the national interest that the Department of Defense utilize and expand upon directed energy research currently being conducted by the Department of Energy, other Federal agencies, the private sector, and academia.

(7) It is increasingly difficult for the Federal Government to recruit and retain personnel with skills critical to directed energy technology development.

(8) The implementation of the recommendations contained in the High Energy Laser Master Plan of the Department of Defense is in the national interest.

(9) Implementation of the management structure outlined in the Master Plan will facilitate the development of revolutionary capabilities in directed energy weapons by achieving a coordinated and focused investment strategy under a new management structure featuring a joint technology office with senior-level oversight provided by a technology council and a board of directors.

(b) COORDINATION AND OVERSIGHT UNDER HIGH ENERGY LASER MASTER PLAN.—(1) Subchapter II of Chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 204. Joint Technology Office

''(a) ESTABLISHMENT.—(1) There is in the Department of Defense a Joint Technology Office (in this section referred to as the 'Office'). The Office shall be considered an independent office within the Office of the Secretary of Defense.

''(2) The Secretary of Defense may delegate responsibility for authority, direction, and control of the Office to the Deputy Under Secretary of Defense for Science and Technology.

''(b) DIRECTOR.—(1) The head of the Office shall be a civilian employee of the Department of Defense in the Senior Executive Service who is designated by the Secretary of Defense for that purpose. The head of the Office shall be known as the 'Director of the Joint Technology Office'.

''(2) The Director shall report directly to the Deputy Under Secretary of Defense for Science and Technology.

''(c) OTHER STAFF.—The Secretary of Defense shall provide the Office such civilian and military personnel and other resources as are necessary to permit the Office to carry out its duties under this section.

''(d) DUTIES.—The duties of the Office shall be to—

''(1) develop and oversee the management of a Department of Defense-wide program of science and technology relating to directed energy technologies, systems, and weapons;

''(2) serve as a point of coordination for initiatives for science and technology relating to directed energy technologies, systems, and weapons from throughout the Department of Defense;

''(3) develop and promote a program (to be known as the 'National Directed Energy Technology Alliance') to foster the exchange of information and cooperative activities on directed energy technologies, systems, and weapons between and among the Department of Defense, other Federal agencies, institutions of higher education, and the private sector;

''(4) initiate and oversee the coordination of the high-energy laser and high power microwave programs and offices of the military departments; and

''(5) carry out such other activities relating to directed energy technologies, systems, and weapons as the Deputy Under Secretary of Defense for Science and Technology considers appropriate.

''(e) COORDINATION WITHIN DEPARTMENT OF DEFENSE.—(1) The Director of the Office shall assign to appropriate personnel of the Office the performance of liaison functions with the other Defense Agencies and with the military departments.

''(2) The head of each military department and Defense Agency having an interest in the activities of the Office shall assign personnel of such department or Defense Agency to assist the Office in carrying out its duties. In providing such assistance, such personnel shall be known collectively as 'Technology Area Working Groups'.

''(f) JOINT TECHNOLOGY BOARD OF DIRECTORS.—(1) There is established in the Department of Defense a board to be known as the 'Joint Technology Board of Directors' (in this section referred to as the 'Board').

''(2) The Board shall be composed of 9 members as follows:

''(A) The Under Secretary of Defense for Acquisition and Technology, who shall serve as chairperson of the Board.

''(B) The Director of Defense Research and Engineering, who shall serve as vice-chairperson of the Board.

''(C) The senior acquisition executive of the Department of the Army.

''(D) The senior acquisition executive of the Department of the Navy.

''(E) The senior acquisition executive of the Department of the Air Force.

''(F) The senior acquisition executive of the Marine Corps.

''(G) The Director of the Defense Advanced Research Projects Agency.

''(H) The Director of the Ballistic Missile Defense Organization.

''(I) The Director of the Defense Threat Reduction Agency.

''(3) The duties of the Board shall be—

''(A) to review and comment on recommendations made and issues raised by the Council under this section; and

''(B) to review and oversee the activities of the Office under this section.

''(g) JOINT TECHNOLOGY COUNCIL.—(1) There is established in the Department of Defense a council to be known as the 'Joint Technology Council' (in this section referred to as the 'Council').

''(2) The Council shall be composed of 8 members as follows:

''(A) The Deputy Under Secretary of Defense for Science and Technology, who shall be chairperson of the Council.

''(B) The senior science and technology executive of the Department of the Army.

''(C) The senior science and technology executive of the Department of the Navy.

''(D) The senior science and technology executive of the Department of the Air Force.

''(E) The senior science and technology executive of the Marine Corps.

''(F) The senior science and technology executive of the Defense Advanced Research Projects Agency.

''(G) The senior science and technology executive of the Ballistic Missile Defense Organization.

''(H) The senior science and technology executive of the Defense Threat Reduction Agency.

''(3) The duties of the Council shall be—

''(A) to review and recommend priorities among programs, projects, and activities proposed and evaluated by the Office under this section;

''(B) to make recommendations to the Board regarding funding for such programs, projects, and activities; and

''(C) to otherwise review and oversee the activities of the Office under this section.''.

(2) The table of sections at the beginning of subchapter II of chapter 8 of such title is amended by adding at the end the following new section:

''204. Joint Technology Office.''.

(3)(A) The Secretary of Defense shall locate the Joint Technology Office under section 204 of title 10, United States Code (as added by this subsection), at a location determined appropriate by the Secretary, not later than October 1, 2000.

(B) In determining the location of the Office, the Secretary shall, in consultation with the Deputy Under Secretary of Defense for Science and Technology, evaluate whether to locate the Office at a site at which occur a substantial proportion of the directed energy research, development, test, and evaluation activities of the Department of Defense.

(c) TECHNOLOGY AREA WORKING GROUPS UNDER HIGH ENERGY LASER MASTER PLAN.—The Secretary of Defense shall provide for the implementation of the portion of the High Energy Laser Master Plan relating to technology area working groups.

(d) ENHANCEMENT OF INDUSTRIAL BASE.—(1) The Secretary of Defense shall develop and undertake initiatives, including investment initiatives, for purposes of enhancing the industrial base for directed energy technologies and systems.

(2) Initiatives under paragraph (1) shall be designed to—

(A) stimulate the development by institutions of higher education and the private sector of promising directed energy technologies and systems; and

(B) stimulate the development of a workforce skilled in such technologies and systems.

(e) ENHANCEMENT OF TEST AND EVALUATION CAPABILITIES.—The Secretary of Defense shall consider modernizing the High Energy Laser Test Facility at White Sands Missile Range, New Mexico, in order to enhance the test and evaluation capabilities of the Department of Defense with respect to directed energy weapons.

(f) COOPERATIVE PROGRAMS AND ACTIVITIES.—(1) The Secretary of Defense shall evaluate the feasibility and advisability of entering into cooperative programs or activities with other Federal agencies, institutions of higher education, and the private sector, including the national laboratories of the Department of Energy, for the purpose of enhancing the programs, projects, and activities of the Department of Defense relating to directed energy technologies, systems, and weapons. The Secretary shall carry out the evaluation in consultation with the Joint Technology Board of Directors established by section 204 of title 10, United States Code (as added by subsection (b) of this section).

(2) The Secretary shall enter into any cooperative program or activity determined under the evaluation under paragraph (1) to be feasible and advisable for the purpose set forth in that paragraph.

(g) PARTICIPATION OF JOINT TECHNOLOGY COUNCIL IN ACTIVITIES.—The Secretary of Defense shall, to the maximum extent practicable, carry out activities under subsections (c), (d), (e), and (f), through the Joint Technology Council established pursuant to section 204 of title 10, United States Code.

(h) FUNDING FOR FISCAL YEAR 2001.—(1) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, up to $50,000,000 may be available for science and technology activities relating to directed energy technologies, systems, and weapons.

(2) The Director of the Joint Technology Office established pursuant to section 204 of title 10, United States Code, shall allocate amounts available under paragraph (1) among appropriate program elements of the Department of Defense, and among cooperative programs and activities under this section, in accordance with such procedures as the Director shall establish.

(3) In establishing procedures for purposes of the allocation of funds under paragraph (2), the Director shall provide for the competitive selection of programs, projects, and activities to be the recipients of such funds.

(i) DIRECTED ENERGY DEFINED.—In this section, the term ''directed energy'', with respect to technologies, systems, or weapons, means technologies, systems, or weapons that provide for the directed transmission of energies across the energy and frequency spectrum, including high energy lasers and high power microwaves.

HUTCHISON (AND CLELAND) AMENDMENT NO. 3736

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. CLELAND) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. . ALLOCATION OF FUNDS FOR THE PLANNING AND EXECUTION OF A BALKANS STABILIZATION CONFERENCE.

(a) SHORT TITLE.—This section may be cited as the ''Balkans Peace and Prosperity Act of 2000''.

(b) FINDINGS.—Congress makes the following findings:

(1) The Dayton Peace Accords and the cease-fire agreement that concluded Operation Allied Force in Kosovo halted Serbian aggression toward its neighbors and its own people.

(2) Efforts to restore the economy and political structure in Bosnia and Herzegovina have achieved limited success in accordance with the Dayton Agreement.

(3) Similar efforts in Kosovo continue with very limited success one year after the conclusion of Operation Allied Force in June 1999.

(4) The Dayton Agreement explicitly left certain issues unresolved, including but not limited to the status of the city of Breko and other matters.

(5) Progress toward democratization and economic prosperity in both Bosnia and Kosovo is often hampered by continuing disputes among local authorities and between local authorities and the international community.

(6) Other issues which are fundamental to the future stability of the Balkan region remain unresolved, including but not limited to the future status of Kosovo, the desire of other Serb provinces for greater autonomy, and the status of displaced persons who cannot return to prewar homes.

(7) The current position of the United States and its NATO allies as to the final status of Kosovo and Yugoslavia calls for an autonomous, multiethnic, democratic Kosovo which would remain as part of Serbia, and such an outcome is not supported by any of the parties directly involved, including the Governments of Yugoslavia and Serbia, representatives of the Kosovar Albanians, and the people of Yugoslavia, Serbia, and Kosovo.

(8) There has been no final political settlement in Bosnia-Herzegovina, where the Armed Forces of the United States, its NATO allies, and other non-Balkan nations have been enforcing an uneasy peace since 1996, at a cost to the United States alone of more than $10,000,000,000 with no clear end in sight to such enforcement.

(9) An effective exit strategy for the withdrawal from the Balkans of foreign military forces is contingent upon the achievement of a lasting political settlement for the region, and only such a settlement, acceptable to all parties involved, can ensure the fundamental goals of the United States of peace, stability, and human rights in the Balkans.

(c) SENSE OF CONGRESS REGARDING THE NEED FOR A BALKANS STABILIZATION CONFERENCE.—It is the sense of Congress that—

(1) the United States should take the lead in convening a Balkans Stabilization Conference to evaluate progress on implementation of the Dayton Peace Accords regarding Bosnia and the cease-fire agreement with Serbia that ended Operation Allied Force;

(2) a Balkans Stabilization Conference would serve a critical purpose of reviewing progress to date and considering such modifications to those agreements as may be appropriate to foster stability, self-sustained peace, improved self-determination by the inhabitants of the region, and the eventual reduction in the levels of outside peacekeepers;

(3) the potential for a successful review conference would be maximized if it included the parties to the Dayton and Operation Allied Force peace agreements, including representatives of NATO, the Balkans ''Contact Group'', and other affected regional parties; and

(4) in order to produce a lasting political settlement in the Balkans acceptable to all parties, which can lead to the departure from the Balkans in a timely fashion of all foreign military forces, including those of the United States, the international conference should have the authority to consider any and all of the following:

(A) Political boundaries.

(B) Humanitarian and reconstruction assistance for all nations in the Balkans.

(C) The stationing of United Nations peacekeeping forces along international boundaries.

(D) Security arrangements and guarantees for all of the nations of the Balkans.

(E) Tangible, enforceable, and verifiable human rights guarantees for the individuals and peoples of the Balkans.

(d) AUTHORIZATION OF FUNDS FOR A BALKANS STABILIZATION CONFERENCE.—Of the amounts authorized to be appropriated by this Act for operations in the Balkans, there are authorized to be available such sums as may be necessary not to exceed $1,000,000 for the planning and execution of the conference described in subsection (c).

McCAIN AMENDMENT NO. 3737

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 32, after line 24, add the following:

SEC. 142. REPEAL OF PROHIBITION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR PROCUREMENT OF NUCLEAR-CAPABLE SHIPYARD CRANE FROM A FOREIGN SOURCE.

Section 8093 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1253) is amended by striking subsection (d), relating to a prohibition on the use of Department of Defense funds to procure a nuclear-capable shipyard crane from a foreign source.

WARNER (AND BYRD) AMENDMENT NO. 3738

(Ordered to lie on the table.)

Mr. WARNER (for himself and Mr. BYRD) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 586, after line 20, add the following:

SEC. 3138. 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.

(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, including—

(1) 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));

(2) 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;

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

(4) 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.

(d) REPORT.—(1) Not later than May 1, 2001, the Commission shall submit to the Secretary of Defense and the Secretary of Energy, and to Congress, 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 pertinent comments by an individual serving as Secretary of Energy during the duration of the review that 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.

WARNER (AND OTHERS) AMENDMENT NO. 3739

(Ordered to lie on the table.)

Mr. WARNER (for himself, Mr. SHELBY, and Mr. BRYAN) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 595, strike line 23 and all that follows through page 597, line 3, and insert the following:

''(2) Subject to paragraph (3), the Secretary may waive the applicability of paragraph (1) to a covered person—

''(A) if—

''(i) the Secretary determines that the waiver is important to the national security interests of the United States;

''(ii) the covered person has a current security clearance; and

''(iii) the covered person acknowledges in a signed writing that the capacity of the covered person to perform duties under a high-risk program after the expiration of the waiver is conditional upon meeting the requirements of paragraph (1) within the effective period of the waiver;

''(B) if another Federal agency certifies to the Secretary that the covered person has completed successfully a full-scope or counterintelligence-scope polygraph examination during the 5-year period ending on the date of the certification; or

''(C) if the Secretary determines, after consultation with the covered person and appropriate medical personnel and security personnel, that the treatment of a medical or psychological condition of the covered person should preclude the administration of the examination.

''(3)(A) The Secretary may not commence the exercise of the authority under paragraph (2) to waive the applicability of paragraph (1) to any covered persons until 15 days after the date on which the Secretary submits to the appropriate committees of Congress a report setting forth the criteria to be utilized by the Secretary for determining when a waiver under paragraph (2)(A) is important to the national security interests of the United States. The criteria shall include an assessment of counterintelligence risks and programmatic impacts.

''(B) Any waiver under paragraph (2)(A) shall be effective for not more than 120 days.

''(C) Any waiver under paragraph (2)(C) shall be effective for the duration of the treatment on which such waiver is based.

''(4) The Secretary shall submit to the appropriate committees of Congress on a semiannual basis a report on any determinations made under paragraph (2)(A) during the 6-month period ending on the date of such report. The report shall include a national security justification for each waiver resulting from such determinations.

''(5) In this subsection, the term 'appropriate committees of Congress' means the following:

''(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

''(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

''(6) It is the sense of Congress that the waiver authority in paragraph (2) not be used by the Secretary to exempt from the applicability of paragraph (1) any covered persons in the highest risk categories, such as persons who have access to the most sensitive weapons design information and other highly sensitive programs, including special access programs.

''(7) The authority under paragraph (2) to waive the applicability of paragraph (1) to a covered person shall expire on September 30, 2002.''.

INHOFE (AND NICKLES) AMENDMENT NO. 3740

Mr. WARNER (for Mr. INHOFE (for himself and Mr. NICKLES) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. INDUSTRIAL MOBILIZATION CAPACITY AT GOVERNMENT-OWNED, GOVERNMENT-OPERATED ARMY AMMUNITION FACILITIES AND ARSENALS.

Of the amount authorized to be appropriated under section 301(1), $51,280,000 shall be available for funding the industrial mobilization capacity at Army ammunition facilities and arsenals that are government owned, government operated.

DORGAN (AND CONRAD) AMENDMENT NO. 3741

Mr. LEVIN (for Mr. DORGAN (for himself and Mr. CONRAD)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE RESOLUTION ON THE MODERNIZATION OF AIR NATIONAL GUARD F–16A UNITS.

(a) FINDINGS.—Congress finds that—

(1) Certain U.S. Air Force Air National Guard fighter units are flying some of the world's oldest and least capable F–16A aircraft which are approaching the end of their service lives.

(2) The aircraft are generally incompatible with those flown by the active force and therefore cannot be effectively deployed to theaters of operation to support contingencies and to relieve the high operations tempo of active duty units.

(3) The Air Force has specified no plans to replace these obsolescent aircraft before the year 2007 at the earliest.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings—

(1) The Air Force should, by February 1, 2001, provide Congress with a plan to modernize and upgrade the combat capabilities of those Air National Guard units that are now flying F–16As so they can deploy as part of Air Expeditionary Forces and assist in relieving the high operations tempo of active duty units.

WARNER AMENDMENT NO. 3742

Mr. WARNER proposed an amendment to amendment No. 3420 proposed by him (for Mr. INHOFE) to the bill, S. 2459, supra; as follows:

Strike the matter proposed to be inserted and insert the following:

SEC. 1061. DEPARTMENT OF DEFENSE PROCESS FOR DECISIONMAKING IN CASES OF FALSE CLAIMS.

Not later than February 1, 2001, the Secretary of Defense shall submit to Congress a report describing the policies and procedures for Department of Defense decisionmaking on issues arising under sections 3729 through 3733 of title 31, United States Code, in cases of claims submitted to the Department of Defense that are suspected or alleged to be false. The report shall include a discussion of any changes that have been made in the policies and procedures since January 1, 2000.

WARNER AMENDMENT NO. 3743

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 380, strike line 4 and all that follows through page 385, line 8, and insert the following:

SEC. 1042. INFORMATION SECURITY SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—(1) Part III of subtitle A of title 10, United States Code, is amended by adding at the end the following:

"CHAPTER 112—INFORMATION SECURITY SCHOLARSHIP PROGRAM

"Sec.
"2200. Programs; purpose.
"2200a. Scholarship program.
"2200b. Grant program.
"2200c. Centers of Academic Excellence in Information Assurance Education.
"2200d. Regulations.
"2200e. Definitions.
"2200f. Inapplicability to Coast Guard.

"§ 2200. Programs; purpose

"(a) IN GENERAL.—To encourage the recruitment and retention of Department of Defense personnel who have the computer and network security skills necessary to meet Department of Defense information assurance requirements, the Secretary of Defense may carry out programs in accordance with this chapter to provide financial support for education in disciplines relevant to those requirements at institutions of higher education.

"(b) TYPES OF PROGRAMS.—The programs authorized under this chapter are as follows:

"(1) Scholarships for pursuit of programs of education in information assurance at institutions of higher education.

"(2) Grants to institutions of higher education.

"§ 2200a. Scholarship program

"(a) AUTHORITY.—The Secretary of Defense may, subject to subsection (g), provide financial assistance in accordance with this section to a person pursuing a baccalaureate or advanced degree in an information assurance discipline referred to in section 2200(a) of this title at an institution of higher education who enters into an agreement with the Secretary as described in subsection (b).

"(b) SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.—(1) To receive financial assistance under this section—

"(A) a member of the armed forces shall enter into an agreement to serve on active duty in the member's armed force for the period of obligated service determined under paragraph (2);

"(B) an employee of the Department of Defense shall enter into an agreement to continue in the employment of the department for the period of obligated service determined under paragraph (2); and

"(C) a person not referred to in subparagraph (A) or (B) shall enter into an agreement—

"(i) to enlist or accept a commission in one of the armed forces and to serve on active duty in that armed force for the period of obligated service determined under paragraph (2); or

"(ii) to accept and continue employment in the Department of Defense for the period of obligated service determined under paragraph (2).

"(2) For the purposes of this subsection, the period of obligated service for a recipient of financial assistance under this section shall be the period determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for the financial assistance and otherwise to achieve the goals set forth in section 2200(a) of this title. In no event may the period of service required of a recipient be less than the period equal to ¾ of the total period of pursuit of a degree for which the Secretary agrees to provide the recipient with financial assistance under this section. The period of obligated service is in addition to any other period for which the recipient is obligated to serve on active duty or in the civil service, as the case may be.

"(3) An agreement entered into under this section by a person pursuing an academic degree shall include clauses that provide the following:

"(A) That the period of obligated service begins on a date after the award of the degree that is determined under the regulations prescribed under section 2200d of this title.

"(B) That the person will maintain satisfactory academic progress, as determined in accordance with those regulations, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the person under this section.

"(C) Any other terms and conditions that the Secretary of Defense determines appropriate for carrying out this section.

"(c) AMOUNT OF ASSISTANCE.—The amount of the financial assistance provided for a person under this section shall be the amount determined by the Secretary of Defense as being necessary to pay all educational expenses incurred by that person, including tuition, fees, cost of books, laboratory expenses, and expenses of room and board. The expenses paid, however, shall be limited to those educational expenses normally incurred by students at the institution of higher education involved.

"(d) USE OF ASSISTANCE FOR SUPPORT OF INTERNSHIPS.—The financial assistance for a person under this section may also be provided to support internship activities of the person at the Department of Defense in periods between the academic years leading to the degree for which assistance is provided the person under this section.

"(e) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) A person who voluntarily terminates service before the end of the period of obligated service required under an agreement entered into under subsection (b) shall refund to the United States an amount determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for financial assistance and otherwise to achieve the goals set forth in section 2200(a) of this title.

"(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary of Defense may waive, in whole or in part, a refund required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(f) EFFECT OF DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under subsection (e).

"(g) ALLOCATION OF FUNDING.—Not less than 50 percent of the amount available for financial assistance under this section for a fiscal year shall be available only for providing financial assistance for the pursuit of degrees referred to in subsection (a) at institutions of higher education that have established, improved, or are administering programs of education in information assurance under the grant program established in section 2200b of this title, as determined by the Secretary of Defense.

"§ 2200b. Grant program

"(a) AUTHORITY.—The Secretary of Defense may provide grants of financial assistance to institutions of higher education to support the establishment, improvement, or administration of programs of education in information assurance disciplines referred to in section 2200(a) of this title.

"(b) PURPOSES.—The proceeds of grants under this section may be used by an institution of higher education for the following purposes:

"(1) Faculty development.

"(2) Curriculum development.

"(3) Laboratory improvements.

"(4) Faculty research in information security.

"§ 2200c. Centers of Academic Excellence in Information Assurance Education

"In the selection of a recipient for the award of a scholarship or grant under this chapter, consideration shall be given to whether—

"(1) in the case of a scholarship, the institution at which the recipient pursues a degree is a Center of Academic Excellence in Information Assurance Education; and

"(2) in the case of a grant, the recipient is a Center of Academic Excellence in Information Assurance Education.

"§ 2200d. Regulations

"The Secretary of Defense shall prescribe regulations for the administration of this chapter.

"§ 2200e. Definitions

"In this chapter:

"(1) The term 'information assurance' includes the following:

"(A) Computer security.

"(B) Network security.

"(C) Any other information technology that the Secretary of Defense considers related to information assurance.

''(2) The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(3) The term 'Center of Academic Excellence in Information Assurance Education' means an institution of higher education that is designated as a Center of Academic Excellence in Information Assurance Education by the Director of the National Security Agency.

''§ 2200f. Inapplicability to Coast Guard

''This chapter does not apply to the Coast Guard when it is not operating as a service in the Navy.''.

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part III of such subtitle are amended by inserting after the item relating to chapter 111 the following:

''112. Information Security Scholarship Program ..... 2200''.

(b) FUNDING.—Of the amount authorized to be appropriated under section 301(5), $20,000,000 shall be available for carrying out chapter 112 of title 10, United States Code (as added by subsection (a)).

(c) REPORT.—Not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a plan for implementing the programs under chapter 112 of title 10, United States Code.

ROBERTS AMENDMENT NO. 3744

Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 610, between lines 13 and 14, insert the following:

SEC. 3178. ADJUSTMENT OF THRESHOLD REQUIREMENT FOR SUBMISSION OF REPORTS ON ADVANCED COMPUTER SALES TO TIER III FOREIGN COUNTRIES.

Section 3157 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2045) is amended by adding at the end the following:

''(e) ADJUSTMENT OF PERFORMANCE LEVELS.—Whenever a new composite theoretical performance level is established under section 1211(d), that level shall apply for purposes of subsection (a) of this section in lieu of the level set forth in subsection (a).''.

LEVIN (AND OTHERS) AMENDMENT NO. 3745

Mr. LEVIN (for himself, Mr. LIEBERMAN, and Mr. CLELAND) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 18, line 4, strike ''$2,184,608,000'' and insert ''$2,203,508,000''.

On page 16, line 22, strike ''$4,068,570,000'' and insert ''$4,049,670,000''.

WARNER (AND OTHERS) AMENDMENT NO. 3746

Mr. WARNER (for himself, Mr. SANTORUM, and Mr. LIEBERMAN) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 33, line 10, strike ''$5,461,946,000'' and insert ''$5,501,946,000''.

On page 33, line 12, strike ''$13,927,836,000'' and insert ''$13,887,836,000''.

On page 48, between lines 20 and 21, insert the following:

SEC. 222. FUNDING FOR COMPARISONS OF MEDIUM ARMORED COMBAT VEHICLES.

Of the amount authorized to be appropriated under section 201(1), $40,000,000 shall be available for the advanced tank armament system program for the development and execution of the plan for comparing costs and operational effectiveness of medium armored combat vehicles required under section 112(b).

WARNER AMENDMENT NO. 3747

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended in the second sentence by striking ''December 31, 2000'' and inserting ''December 31, 2002''.

DOMENICI (AND OTHERS) AMENDMENT NO. 3748

Mr. WARNER (for Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mrs. MURRAY)) proposed an amendment to the bill, S 2549, supra; as follows:

On page 546, after line 13, add the following:

SEC. 2882. SENSE OF CONGRESS REGARDING LAND TRANSFERS AT MELROSE RANGE, NEW MEXICO, AND YAKIMA TRAINING CENTER, WASHINGTON.

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of the Air Force seeks the transfer of 6,713 acres of public domain land within the Melrose Range, New Mexico, from the Department of the Interior to the Department of the Air Force for the continued use of these lands as a military range.

(2) The Secretary of the Army seeks the transfer of 6,640 acres of public domain land within the Yakima Training Center, Washington, from the Department of the Interior to the Department of the Army for military training purposes.

(3) The transfers provide the Department of the Air Force and the Department of the Army with complete land management control of these public domain lands to allow for effective land management, minimize safety concerns, and ensure meaningful training.

(4) The Department of the Interior concurs with the land transfers at Melrose Range and Yakima Training Center.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the land transfers at Melrose Range, New Mexico, and Yakima Training Center, Washington, will support military training, safety, and land management concerns on the lands subject to transfer.

BINGAMAN AMENDMENT NO. 3749

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 586, following line 20, add the following:

SEC. 3138. CONSTRUCTION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION OPERATIONS OFFICE COMPLEX.

(a) AUTHORITY FOR DESIGN AND CONSTRUCTION.—Subject to subsection (b), the Administrator of the National Nuclear Security Administration may provide for the design and construction of a new operations office complex for the National Nuclear Security Administration in accordance with the feasibility study regarding such operations office complex conducted under the National Defense Authorization Act for Fiscal Year 2000.

(b) LIMITATION.—The Administrator may not exercise the authority in subsection (a) until the later of—

(1) 30 days after the date on which the plan required by section 3135(a) is submitted to the Committees on Armed Services of the Senate and House of Representatives under that section; or

(2) the date on which the Administrator certifies to Congress that the design and construction of the complex in accordance with the feasibility study is consistent with the plan required by section 3135(i).

(c) BASIS OF AUTHORITY.—The design and construction of the operations office complex authorized by subsection (a) shall be carried out through one or more energy savings performance contracts (ESPC) entered into under this section and in accordance with the provisions of title VIII of the National Energy Policy Conservation Act (42 U.S.C. 8287 et seq.).

(d) PAYMENT OF COSTS.—Amounts for payments of costs associated with the construction of the operations office complex authorized by subsection (a) shall be derived from energy savings and ancillary operation and maintenance savings that result from the replacement of a current Department of Energy operations office complex (as identified in the feasibility study referred to in subsection (a)) with the operations office complex authorized by subsection (a).

CRAPO AMENDMENT NO. 3750

Mr. WARNER (for Mr. CRAPO) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 603, between lines 18 and 19, insert the following:

SEC. . CONCEPTUAL DESIGN FOR SUBSURFACE GEOSCIENCES LABORATORY AT IDAHO NATIONAL ENGINEERING AND ENVIRONMENTAL LABORATORY, IDAHO FALLS, IDAHO.

(a) AUTHORIZATION.—Of the amounts authorized to be appropriated by paragraphs (2) and (3) of section 3102(a), not more than $400,000 shall be available to the Secretary of Energy for purposes of carrying out a conceptual design for a Subsurface Geosciences Laboratory, Idaho Falls, Idaho.

(b) LIMITATION.—None of the funds authorized to be appropriated by section (a) may be obligated until 60 days after the Secretary submits the report required by section (c).

(c) REPORT.—The Secretary of Energy shall submit to the congressional defense committees a report on the proposed Subsurface Geosciences Laboratory, including the following:

(1) The need to conduct mesoscale experiments to meet long-term clean-up requirements at Department of Energy sites.

(2) The possibility of utilizing or modifying an existing structure or facility to house a new mesoscale experimental capability.

(3) The estimated construction cost of the facility.

(4) The estimated annual operating cost of the facility.

(5) How the facility will utilize, integrate, and support the technical expertise, capabilities, and requirements at other Department of Energy and non-Department of Energy facilities.

(6) An analysis of costs, savings, and benefits which are unique to the Idaho National Engineering and Environmental Laboratory.

BENNETT AMENDMENT NO. 3751

Mr. WARNER (for Mr. BENNETT) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 611, after line 21, add the following:

SEC. 3202. LAND TRANSFER AND RESTORATION.

(a) SHORT TITLE.—This section may be cited as the ''Ute-Moab Land Restoration Act''.

(b) TRANSFER OF OIL SHALE RESERVE.—Section 3405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105–261) is amended to read as follows:

''SEC. 3405. TRANSFER OF OIL SHALE RESERVE NUMBERED 2.

''(a) DEFINITIONS.—In this section:

''(1) MAP.—The term ''map'' means the map depicting the boundaries of NOSR–2, to be kept on file and available for public inspection in the offices of the Department of the Interior.

''(2) MOAB SITE.—The term 'Moab site' means the Moab uranium milling site located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917.

''(3) NOSR–2.—The term 'NOSR–2' means Oil Shale Reserve Numbered 2, as identified on a map on file in the Office of the Secretary of the Interior.

''(4) TRIBE.—The term 'Tribe' means the Ute Indian Tribe of the Uintah and Ouray Indian Reservation.

''(b) CONVEYANCE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the United States conveys to the Tribe, subject to valid existing rights in effect on the day before the date of enactment of this section, all Federal land within the exterior boundaries of NOSR–2 in fee simple (including surface and mineral rights).

''(2) RESERVATIONS.—The conveyance under paragraph (1) shall not include the following reservations of the United States:

''(A) A 9 percent royalty interest in the value of any oil, gas, other hydrocarbons, and all other minerals from the conveyed land that are produced, saved, and sold, the payments for which shall be made by the Tribe or its designee to the Secretary of Energy during the period that the oil, gas, hydrocarbons, or minerals are being produced, saved, sold, or extracted.

''(B) The portion of the bed of Green River contained entirely within NOSR–2, as depicted on the map.

''(C) The land (including surface and mineral rights) to the west of the Green River within NOSR–2, as depicted on the map.

''(D) A ¼ mile scenic easement on the east side of the Green River within NOSR–2.

''(3) CONDITIONS.—

''(A) MANAGEMENT AUTHORITY.—On completion of the conveyance under paragraph (1), the United States relinquishes all management authority over the conveyed land (including tribal activities conducted on the land).

''(B) NO REVERSION.—The land conveyed to the Tribe under this subsection shall not revert to the United States for management in trust status.

''(C) USE OF EASEMENT.—The reservation of the easement under paragraph (2)(D) shall not affect the right of the Tribe to obtain, use, and maintain access to, the Green River through the use of the road within the easement, as depicted on the map.

''(c) WITHDRAWALS.—Each withdrawal that applies to NOSR–2 and that is in effect on the date of enactment of this section is revoked to the extent that the withdrawal applies to NOSR–2.

''(d) ADMINISTRATION OF RESERVED LAND AND INTERESTS IN LAND.—

''(1) IN GENERAL.—The Secretary of the Interior shall administer the land and interests in land reserved from conveyance under subparagraphs (B) and (C) of subsection (b)(2) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

''(2) MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a land use plan for the management of the land and interests in land referred to in paragraph (1).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection.

''(e) ROYALTY.—

''(1) PAYMENT OF ROYALTY.—

''(A) IN GENERAL.—The royalty interest reserved from conveyance in subsection (b)(2)(A) that is required to be paid by the Tribe shall not include any development, production, marketing, and operating expenses.

''(B) FEDERAL TAX RESPONSIBILITY.—The United States shall bear responsibility for and pay—

''(i) gross production taxes;

''(ii) pipeline taxes; and

''(iii) allocation taxes assessed against the gross production.

''(2) REPORT.—The Tribe shall submit to the Secretary of Energy and to Congress an annual report on resource development and other activities of the Tribe concerning the conveyance under subsection (b).

''(3) FINANCIAL AUDIT.—

''(A) IN GENERAL.—Not later than 5 years after the date of enactment of this section, and every 5 years thereafter, the Tribe shall obtain an audit of all resource development activities of the Tribe concerning the conveyance under subsection (b), as provided under chapter 75 of title 31, United States Code.

''(B) INCLUSION OF RESULTS.—The results of each audit under this paragraph shall be included in the next annual report submitted after the date of completion of the audit.

''(f) RIVER MANAGEMENT.—

''(1) IN GENERAL.—The Tribe shall manage, under Tribal jurisdiction and in accordance with ordinances adopted by the Tribe, land of the Tribe that is adjacent to, and within ¼ mile of, the Green River in a manner that—

''(A) maintains the protected status of the land; and

''(B) is consistent with the government-to-government agreement and in the memorandum of understanding dated February 11, 2000, as agreed to by the Tribe and the Secretary.

''(2) NO MANAGEMENT RESTRICTIONS.—An ordinance referred to in paragraph (1) shall not impair, limit, or otherwise restrict the management and use of any land that is not owned, controlled, or subject to the jurisdiction of the Tribe.

''(3) REPEAL OR AMENDMENT.—An ordinance adopted by the Tribe and referenced in the government-to-government agreement may not be repealed or amended without the written approval of—

''(A) the Tribe; and

''(B) the Secretary.

''(g) PLANT SPECIES.—

''(1) IN GENERAL.—In accordance with a government-to-government agreement between the Tribe and the Secretary, in a manner consistent with levels of legal protection in effect on the date of enactment of this section, the Tribe shall protect, under ordinances adopted by the Tribe, any plant species that is—

''(A) listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

''(B) located or found on the NOSR–2 land conveyed to the Tribe.

''(2) TRIBAL JURISDICTION.—The protection described in paragraph (1) shall be performed solely under tribal jurisdiction

''(h) HORSES.—

''(1) IN GENERAL.—The Tribe shall manage, protect, and assert control over any horse not owned by the Tribe or tribal members that is located or found on the NOSR–2 land conveyed to the Tribe in a manner that is consistent with Federal law governing the management, protection, and control of horses in effect on the date of enactment of this section.

''(2) TRIBAL JURISDICTION.—The management, control, and protection of horses described in paragraph (1) shall be performed solely—

''(A) under tribal jurisdiction; and

''(B) in accordance with a government-to-government agreement between the Tribe and the Secretary.

''(i) REMEDIAL ACTION AT MOAB SITE.—

''(1) INTERIM REMEDIAL ACTION.—

''(A) PLAN.—Not later than 1 year after the date of enactment of this section, the Secretary of Energy shall prepare a plan for remedial action, including ground water restoration, at the uranium milling site near Moab, Utah, under section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)).

''(B) COMMENCEMENT OF REMEDIAL ACTION.—The Secretary of Energy shall commence remedial action as soon as practicable after the preparation of the plan.

''(C) TERMINATION OF LICENSE.—The license for the materials at the site issued by the Nuclear Regulatory Commission shall terminate 1 year from the date of enactment of this section, unless the Secretary of Energy determines that the license may be terminated earlier.

''(D) ACTIVITIES OF THE TRUSTEE OF THE MOAB RECLAMATION TRUST.— Until the license referred to in subparagraph (C) terminates, the Trustee of the Moab Reclamation Trust (referred to in this paragraph as the 'Trustee'), subject to the availability of funds appropriated specifically for a purpose described in clauses (i) through (iii) or made available by the Trustee from the Moab Reclamation Trust, may carry out—

''(i) interim measures to reduce or eliminate localized high ammonia concentrations identified by the United States Geological Survey in a report dated March 27, 2000, in the Colorado River;

''(ii) activities to dewater the mill tailings; and

''(iii) other activities, subject to the authority of the Secretary of Energy and the Nuclear Regulatory Commission.

''(E) TITLE; CARETAKING.—Until the date on which the Moab site is sold under paragraph (4), the Trustee—

''(i) shall maintain title to the site; and

''(ii) shall act as a caretaker of the property and in that capacity exercise measures of physical safety consistent with past practice, until the Secretary of Energy relieves the Trustee of that responsibility.

''(2) LIMIT ON EXPENDITURES.—The Secretary shall limit the amounts expended in carrying out the remedial action under paragraph (1) to—

''(A) amounts specifically appropriated for the remedial action in an Act of appropriation; and

''(B) other amounts made available for the remedial action under this subsection.

''(3) RETENTION OF ROYALTIES.—

''(A) IN GENERAL.—The Secretary of Energy shall retain the amounts received as royalties under subsection (e)(1).

''(B) AVAILABILITY.—Amounts referred to in subparagraph (A) shall be available, without further Act of appropriation, to carry out the remedial action under paragraph (1).

''(C) EXCESS AMOUNTS.—On completion of the remedial action under paragraph (1), all remaining royalty amounts shall be deposited in the General Fund of the Treasury.

''(D) EXCLUSION OF NATIONAL SECURITY ACTIVITIES FUNDING.—The Secretary shall not use any funds made available to the Department of Energy for national security activities to carry out the remedial action under paragraph (1).

''(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out the remedial action under paragraph (1) such sums as are necessary.

''(4) SALE OF MOAB SITE.—

''(A) IN GENERAL.—If the Moab site is sold after the date on which the Secretary of Energy completes the remedial action under paragraph (1), the seller shall pay to the Secretary of Energy, for deposit in the miscellaneous receipts account of the Treasury, the portion of the sale price that the Secretary determines resulted from the enhancement of the value of the Moab site that is attributable to the completion of the remedial action, as determined in accordance with subparagraph (B).

''(B) DETERMINATION OF ENHANCED VALUE.—The enhanced value of the Moab site referred to in subparagraph (A) shall be equal to the difference between—

''(i) the fair market value of the Moab site on the date of enactment of this section, based on information available on that date; and

''(ii) the fair market value of the Moab site, as appraised on completion of the remedial action.''.

(c) URANIUM MILL TAILINGS.—Section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)) is amended by inserting after paragraph (3) the following:

''(4) DESIGNATION AS PROCESSING SITE.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Moab uranium milling site (referred to in this paragraph as the 'Moab Site') located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917, is designated as a processing site.

''(B) APPLICABILITY.—This title applies to the Moab Site in the same manner and to the same extent as to other processing sites designated under this subsection, except that—

''(i) sections 103, 107(a), 112(a), and 115(a) of this title shall not apply;

''(ii) a reference in this title to the date of the enactment of this Act shall be treated as a reference to the date of enactment of this paragraph; and

''(iii) the Secretary, subject to the availability of appropriations and without regard to section 104(b), shall conduct remediation at the Moab site in a safe and environmentally sound manner, including—

''(I) ground water restoration; and

''(II) the removal, to at a site in the State of Utah, for permanent disposition and any necessary stabilization, of residual radioactive material and other contaminated material from the Moab Site and the floodplain of the Colorado River.''.

(d) CONFORMING AMENDMENT.—Section 3406 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105–261) is amended by inserting after subsection (e) the following:

''(f) OIL SHALE RESERVE NUMBERED 2.—This section does not apply to the transfer of Oil Shale Reserve Numbered 2 under section 3405.''.

WARNER AMENDMENT NO. 3752

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 17, line 17, strike ''$496,749,000'' and insert ''$500,749,000''.

On page 31, between lines 18 and 19, insert the following:

SEC. 126. ANTI-PERSONNEL OBSTACLE BREACHING SYSTEM.

Of the total amount authorized to be appropriated under section 102(c), $4,000,000 is available only for the procurement of the anti-personnel obstacle breaching system.

On page 54, line 16, strike ''$11,973,569,000'' and insert ''$11,969,569,000''.

DODD (AND OTHERS) AMENDMENT NO. 3753

Mr. LEVIN (for Mr. DODD, Mr. BURNS, Mrs. BOXER, Mr. DEWINE, Mr. KERRY, Ms. SNOWE, Mr. LEAHY, Ms. MIKULSKI, Mr. BIDEN, Mr. BINGAMAN, Mr. SARBANES, Mr. SCHUMER, Mr. REID, Mr. LAUTENBERG, Mr. MOYNIHAN, and Mr. KENNEDY) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. FIREFIGHTER INVESTMENT AND RESPONSE ENHANCEMENT.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 33. FIREFIGHTER INVESTMENT AND RESPONSE ENHANCEMENT.

''(a) DEFINITION OF FIREFIGHTING PERSONNEL.—In this section, the term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

''(b) ASSISTANCE PROGRAM.—

''(1) AUTHORITY.—In accordance with this section, the Director may—

''(A) make grants on a competitive basis to fire departments for the purpose of protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards; and

''(B) provide assistance for fire prevention programs in accordance with paragraph (4).

''(2) ESTABLISHMENT OF OFFICE FOR ADMINISTRATION OF ASSISTANCE.—Before providing assistance under paragraph (1), the Director shall establish an office in the Federal Emergency Management Agency that shall have the duties of establishing specific criteria for the selection of recipients of the assistance, and administering the assistance, under this section.

''(3) USE OF FIRE DEPARTMENT GRANT FUNDS.—The Director may make a grant under paragraph (1)(A) only if the applicant for the grant agrees to use the grant funds—

''(A) to hire additional firefighting personnel;

''(B) to train firefighting personnel in firefighting, emergency response, arson prevention and detection, or the handling of hazardous materials, or to train firefighting personnel to provide any of the training described in this subparagraph;

''(C) to fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies;

''(D) to certify fire inspectors;

''(E) to establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel can carry out their duties;

''(F) to fund emergency medical services provided by fire departments;

''(G) to acquire additional firefighting vehicles, including fire trucks;

''(H) to acquire additional firefighting equipment, including equipment for communications and monitoring;

''(I) to acquire personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration, and other personal protective equipment for firefighting personnel;

''(J) to modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel;

''(K) to enforce fire codes;

''(L) to fund fire prevention programs; or

''(M) to educate the public about arson prevention and detection.

''(4) FIRE PREVENTION PROGRAMS.—

''(A) IN GENERAL.—For each fiscal year, the Director shall use not less than 10 percent of the funds made available under subsection (c)—

''(i) to make grants to fire departments for the purpose described in paragraph (3)(L); and

''(ii) to make grants to, or enter into contracts or cooperative agreements with, national, State, local, or community organizations that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities, for the purpose of carrying out fire prevention programs.

''(B) PRIORITY.—In selecting organizations described in subparagraph (A)(ii) to receive assistance under this paragraph, the Director shall give priority to organizations that focus on prevention of injuries to children from fire.

''(5) APPLICATION.—The Director may provide assistance to a fire department or organization under this subsection only if the fire department or organization seeking the assistance submits to the Director an application in such form and containing such information as the Director may require.

''(6) MATCHING REQUIREMENT.—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to match with an equal amount of non-Federal funds 10 percent of the assistance received under this subsection for any fiscal year.

''(7) MAINTENANCE OF EXPENDITURES—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to maintain in the fiscal year for which the assistance will be received the applicant's aggregate expenditures for the uses described in paragraph (3) or (4) at or above the average level of such expenditures in the 2 fiscal years preceding the fiscal year for which the assistance will be received.

''(8) REPORT TO THE DIRECTOR.—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to submit to the Director a report, including a description of how the assistance was used, with respect to each fiscal year for which the assistance was received.

''(9) VARIETY OF FIRE DEPARTMENT GRANT RECIPIENTS.—The Director shall ensure that grants under paragraph (1)(A) for a fiscal year are made to a variety of fire departments, including, to the extent that there are eligible applicants—

''(A) paid, volunteer, and combination fire departments;

''(B) fire departments located in communities of varying sizes; and

''(C) fire departments located in urban, suburban, and rural communities.

''(10) LIMITATION ON EXPENDITURES FOR FIREFIGHTING VEHICLES.—The Director shall

ensure that not more than 25 percent of the assistance made available under this subsection for a fiscal year is used for the use described in paragraph (3)(G).

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Director—

''(A) $100,000,000 for fiscal year 2001;

''(B) $200,000,000 for fiscal year 2002;

''(C) $400,000,000 for fiscal year 2003;

''(D) $600,000,000 for fiscal year 2004;

''(E) $800,000,000 for fiscal year 2005; and

''(F) $1,000,000,000 for fiscal year 2006.

''(2) LIMITATION ON ADMINISTRATIVE COSTS.—Of the amounts made available under paragraph (1) for a fiscal year, the Director may use not more than 10 percent for the administrative costs of carrying out this section.''.

WARNER AMENDMENT NO. 3754

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. CLOSE-IN WEAPON SYSTEM OVERHAULS.

Of the total amount authorized to be appropriated by section 301(2), $391,806,000 is available for weapons maintenance.

The total amount authorized to be appropriated by section 301(5) for Spectrum data base upgrades is reduced by $10 million.

GORTON AMENDMENT NO. 3755

Mr. WARNER (for Mr. GORTON) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 556, line 24, strike ''$5,501,824,000'' and insert ''$5,651,824,000''.

On page 559, line 8, strike ''$3,028,457,000'' and insert ''$3,178,457,000''.

On page 559, line 11, strike ''$2,533,725,000'' and insert ''$2,683,725,000''.

On page 564, line 8, strike ''$540,092,000'' and insert ''$390,092,000''.

On page 564, line 13, strike ''$450,000,000'' and insert ''$300,000,000''.

On page 603, between lines 18 and 19, insert the following:

SEC. 3156. TANK WASTE REMEDIATION SYSTEM, HANFORD RESERVATION, RICHLAND, WASHINGTON.

(a) FUNDS AVAILABLE.—Of the amount authorized to be appropriated by section 3102, $150,000,000 shall be available to carry out an accelerated cleanup and waste management program at the Department of Energy Hanford Site in Richland, Washington.

(b) REPORT.—Not later than December 15, 2000, the Secretary of Energy shall submit to Congress a report on the Tank Waste Remediation System Project at the Hanford Site. The report shall include the following:

(1) A proposed plan for processing and stabilizing all nuclear waste located in the Hanford Tank Farm.

(2) A proposed schedule for carrying out the plan.

(3) The total estimated cost of carrying out the plan.

(4) A description of any alternative options to the proposed plan and a description of the costs and benefits of each such option.

KYL AMENDMENT NO. 3756

Mr. WARNER (for Mr. KYL) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 547, line 16, strike ''$6,214,835,000'' and insert ''$6,289,835,000''.

On page 547, line 19, strike $4,672,800,000'' and insert ''$4,747,800,000''.

On page 547, line 24, strike ''$3,887,383,000'' and insert ''$3,822,383,000''.

On page 548, line 3, strike ''$1,496,982,000'' and insert ''$1,471,982,000''.

On page 548, line 5, strike ''$1,547,798,000'' and insert ''$1,507,798,000''.

On page 549, line 2, strike ''$448,173,000'' and insert ''$588,173,000''.

On page 552, line 7, strike ''$74,100,000'' and insert ''$214,100,000''.

On page 560, line 23, strike ''$141,317,000'' and insert ''$216,317,000''.

On page 603, between lines 18 and 19, insert the following:

SEC. 3156. REPORT ON NATIONAL IGNITION FACILITY, LAWRENCE LIVERMORE NATIONAL LABORATORY, LIVERMORE, CALIFORNIA.

(a) NEW BASELINE.—(1) Not more than 50 percent of the funds available for the national ignition facility (Project 96–D–111) may be obligated or expended until the Secretary of Energy submits to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a new baseline plan for the completion of the national ignition facility.

(2) The report shall include a detailed, year-by-year breakdown of the funding required for completion of the facility, as well as projected dates for the completion of program milestones, including the date on which the first laser beams are expected to become operational.

(b) COMPTROLLER GENERAL REVIEW OF NIF PROGRAM.—(1) The Comptroller General shall conduct a thorough review of the national ignition facility program.

(2) Not later than March 31, 2001, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the review conducted under paragraph (1). The report shall include—

(A) an analysis of—

(i) the relationship of the national ignition facility program to other key components of the Stockpile Stewardship Program; and

(ii) the potential impact of delays in the national ignition facility program, and of a failure to complete key program objectives of the program, on the other key components of the Stockpile Stewardship Program, such as the Advanced Strategic Computing Initiative Program;

(B) a detailed description and analysis of the funds spent as of the date of the report on the national ignition facility program; and

(C) an assessment whether Lawrence Livermore National Laboratory has established a new baseline plan for the national ignition facility program with clear goals and achievable milestones for that program.

FEINSTEIN AMENDMENT NO. 3757

Mr. LEVIN (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. . BREAST CANCER STAMP EXTENSION.

Section 414(g) of title 39, United States Code, is amended by striking ''2-year'' and inserting ''4-year''.

KERRY AMENDMENT NO. 3758

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 85, strike line 1 and all that follows through page 87, line 13.

FEINGOLD (AND OTHERS) AMENDMENT NO. 3759

(Ordered to lie on the table.)

Mr. FEINGOLD (for himself, Mr. HARKIN, and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 31, between lines 18 and 19, insert the following:

SEC. 126. D5 SUBMARINE-LAUNCHED BALLISTIC MISSILE PROGRAM.

(a) REDUCTION OF AMOUNT FOR PROGRAM.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated by this Act is reduced by $462,733,000.

(b) PROHIBITION.—None of the remaining funds authorized to be appropriated by this Act after the reduction made by subsection (a) may be used for the procurement of D5 submarine-launched ballistic missiles or components for D5 missiles.

(c) TERMINATION OF PROGRAM.—The Secretary of Defense shall terminate production of D5 submarine ballistic missiles under the D5 submarine-launched ballistic missile program after fiscal year 2001.

(d) PAYMENT OF TERMINATION COSTS.—Funds available on or after the date of the enactment of this Act for obligation for the D5 submarine-launched ballistic missile program may be obligated for production under that program only for payment of the costs associated with the termination of production under this Act.

(e) INAPPLICABILITY TO MISSILES IN PRODUCTION.—Subsections (c) and (d) do not apply to missiles in production on the date of the enactment of this Act.

DOMENICI (AND OTHERS) AMENDMENT NO. 3760

(Ordered to lie on the table.)

Mr. DOMENICI (for himself, Mr. LEVIN, Mr. LUGAR, Mr. BIDEN, Mr. BINGAMAN, Mr. CRAIG, Mr. THOMPSON, and Mr. HAGEL) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 610, between lines 13 and 14, insert the following:

Subtitle F—Russian Nuclear Complex Conversion

SEC. 3191. SHORT TITLE.

This subtitle may be cited as the ''Russian Nuclear Weapons Complex Conversion Act of 2000''.

SEC. 3192. FINDINGS.

Congress makes the following findings:

(1) The Russian nuclear weapons complex has begun closure and complete reconfiguration of certain weapons complex plants and productions lines. However, this work is at an early stage. The major impediments to downsizing have been economic and social conditions in Russia. Little information about this complex is shared, and 10 of its most sensitive cities remain closed. These cities house 750,000 people and employ approximately 150,000 people in nuclear military facilities. Although the Russian Federation Ministry of Atomic Energy has announced the need to significantly downsize its workforce, perhaps by as much as 50 percent, it has been very slow in accomplishing this goal. Information on the extent of any progress is very closely held.

(2) The United States, on the other hand, has significantly downsized its nuclear weapons complex in an open and transparent manner. As a result, an enormous asymmetry now exists between the United States

and Russia in nuclear weapon production capacities and in transparency of such capacities. It is in the national security interest of the United States to assist the Russian Federation in accomplishing significant reductions in its nuclear military complex and in helping it to protect its nuclear weapons, nuclear materials, and nuclear secrets during such reductions. Such assistance will accomplish critical nonproliferation objectives and provide essential support towards future arms reduction agreements. The Russian Federation's program to close and reconfigure weapons complex plants and production lines will address, if it is implemented in a significant and transparent manner, concerns about the Russian Federation's ability to quickly reconstitute its arsenal.

(3) Several current programs address portions of the downsizing and nuclear security concerns. The Nuclear Cities Initiative was established to assist Russia in creating job opportunities for employees who are not required to support realistic Russian nuclear security requirements. Its focus has been on creating commercial ventures that can provide self-sustaining jobs in three of the closed cities. The current scope and funding of the program are not commensurate with the scale of the threats to the United States sought to be addressed by the program.

(4) To effectively address threats to United States national security interests, progress with respect to the nuclear cities must be expanded and accelerated. The Nuclear Cities Initiative has laid the groundwork for an immediate increase in investment which offers the potential for prompt risk reduction in the cities of Sarov, Snezhinsk, and Zheleznogorsk, which house four key Russian nuclear facilities. Furthermore, the Nuclear Cities Initiative has made considerable progress with the limited funding available. However, to gain sufficient advocacy for additional support, the program must demonstrate—

(A) rapid progress in conversion and restructuring; and

(B) an ability for the United States to track progress against verifiable milestones that support a Russian nuclear complex consistent with their future national security requirements.

(5) Reductions in the nuclear weapons-grade material stocks in the United States and Russia enhance prospects for future arms control agreements and reduce concerns that these materials could lead to proliferation risks. Confidence in both nations will be enhanced by knowledge of the extent of each nation's stockpiles of weapons-grade materials. The United States already makes this information public.

(6) Many current programs contribute to the goals stated herein. However, the lack of programmatic coordination within and among United States Government agencies impedes the capability of the United States to make rapid progress. A formal single point of coordination is essential to ensure that all United States programs directed at cooperative threat reduction, nuclear materials reduction and protection, and the downsizing, transparency, and nonproliferation of the nuclear weapons complex effectively mitigate the risks inherent in the Russian Federation's military complex.

(7) Specialists in the United States and the former Soviet Union trained in nonproliferation studies can significantly assist in the downsizing process while minimizing the threat presented by potential proliferation of weapons materials or expertise.

SEC. 3193. EXPANSION AND ENHANCEMENT OF NUCLEAR CITIES INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy shall, in accordance with the provisions of this section, take appropriate actions to expand and enhance the activities under the Nuclear Cities Initiative in order to—

(1) assist the Russian Federation in the downsizing of the Russian Nuclear Complex; and

(2) coordinate the downsizing of the Russian Nuclear Complex under the Initiative with other United States nonproliferation programs.

(b) ENHANCED USE OF MINATOM TECHNOLOGY AND RESEARCH AND DEVELOPMENT SERVICES.—In carrying out actions under this section, the Secretary shall facilitate the enhanced use of the technology, and the research and development services, of the Russia Ministry of Atomic Energy (MINATOM) by—

(1) fostering the commercialization of peaceful, non-threatening advanced technologies of the Ministry through the development of projects to commercialize research and development services for industry and industrial entities; and

(2) authorizing the Department of Energy, and encouraging other departments and agencies of the United States Government, to utilize such research and development services for activities appropriate to the mission of the Department, and such departments and agencies, including activities relating to—

(A) nonproliferation (including the detection and identification of weapons of mass destruction and verification of treaty compliance);

(B) global energy and environmental matters; and

(C) basic scientific research of benefit to the United States.

(c) ACCELERATION OF NUCLEAR CITIES INITIATIVE.—(1) In carrying out actions under this section, the Secretary shall accelerate the Nuclear Cities Initiative by implementing, as soon as practicable after the date of the enactment of this Act, programs at the nuclear cities referred to in paragraph (2) in order to convert significant portions of the activities carried out at such nuclear cities from military activities to civilian activities.

(2) The nuclear cities referred to in this paragraph are the following:

(A) Sarov (Arzamas–16).

(B) Snezhinsk (Chelyabinsk–70).

(C) Zheleznogorsk (Krasnoyarsk–26).

(3) To advance nonproliferation and arms control objectives, the Nuclear Cities Initiative is encouraged to begin planning for accelerated conversion, commensurate with available resources, in the remaining nuclear cities.

(4) Before implementing a program under paragraph (1), the Secretary shall establish appropriate, measurable milestones for the activities to be carried out in fiscal year 2001.

(d) PLAN FOR RESTRUCTURING THE RUSSIAN NUCLEAR COMPLEX.—(1) The President, acting through the Secretary of Energy, is urged to enter into negotiations with the Russian Federation for purposes of the development by the Russian Federation of a plan to restructure the Russian Nuclear Complex in order to meet changes in the national security requirements of Russia by 2010.

(2) The plan under paragraph (1) should include the following:

(A) Mechanisms to achieve a nuclear weapons production capacity in Russia that is consistent with the obligations of Russia under current and future arms control agreements.

(B) Mechanisms to increase transparency regarding the restructuring of the nuclear weapons complex and weapons-surplus nuclear materials inventories in Russia to the levels of transparency for such matters in the United States, including the participation of Department of Energy officials with expertise in transparency of such matters.

(C) Measurable milestones that will permit the United States and the Russian Federation to monitor progress under the plan.

(e) ENCOURAGEMENT OF CAREERS IN NONPROLIFERATION.—(1) In carrying out actions under this section, the Secretary shall carry out a program to encourage students in the United States and in the Russian Federation to pursue a career in an area relating to nonproliferation.

(2) Of the amounts under subsection (f), up to $2,000,000 shall be available for purposes of the program under paragraph (1).

(f) FUNDING FOR FISCAL YEAR 2001.—(1) There is hereby authorized to be appropriated for the Department of Energy for fiscal year 2001, $40,000,000 for purposes of the Nuclear Cities Initiative, including activities under this section.

(2) The amount authorized to be appropriated by section 101(5) for other procurement for the Army is hereby reduced by $22,500,000, with the amount of the reduction to be allocated to the Close Combat Tactical Trainer.

(g) SENSE OF CONGRESS REGARDING FUNDING FOR FISCAL YEARS AFTER FISCAL YEAR 2001.—It is the sense of Congress that the availability of funds for the Nuclear Cities Initiative in fiscal years after fiscal year 2001 should be contingent upon—

(1) demonstrable progress in the programs carried out under subsection (c), as determined utilizing the milestones required under paragraph (4) of that subsection; and

(2) the development and implementation of the plan required by subsection (d).

SEC. 3194. SENSE OF CONGRESS ON THE ESTABLISHMENT OF A NATIONAL COORDINATOR FOR NONPROLIFERATION MATTERS.

It is the sense of Congress that—

(1) there should be a National Coordinator for Nonproliferation Matters to coordinate—

(A) the Nuclear Cities Initiative;

(B) the Initiatives for Proliferation Prevention program;

(C) the Cooperative Threat Reduction programs;

(D) the materials protection, control, and accounting programs; and

(E) the International Science and Technology Center; and

(2) the position of National Coordinator for Nonproliferation Matters should be similar, regarding nonproliferation matters, to the position filled by designation of the President under section 1441(a) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2727; 50 U.S.C. 2351(a)).

SEC. 3195. DEFINITIONS.

In this subtitle:

(1) NUCLEAR CITY.—The term ''nuclear city'' means any of the closed nuclear cities within the complex of the Russia Ministry of Atomic Energy (MINATOM) as follows:

(A) Sarov (Arzamas–16).

(B) Zarechnyy (Penza–19).

(C) Novoural'sk (Sverdlovsk–44).

(D) Lesnoy (Sverdlovsk–45).

(E) Ozersk (Chelyabinsk–65).

(F) Snezhinsk (Chelyabinsk–70).

(G) Trechgornyy (Zlatoust–36).

(H) Seversk (Tomsk–7).

(I) Zhelenznogorsk (Krasnoyarsk–26).

(J) Zelenogorsk (Krasnoyarsk–45).

(2) RUSSIAN NUCLEAR COMPLEX.—The term ''Russian Nuclear Complex'' refers to all of the nuclear cities.

BRYAN (AND ROBB) AMENDMENT NO. 3761

(Ordered to lie on the table.)

Mr. BRYAN (for himself and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 236, between lines 6 and 7, insert the following:

SEC. 646. CONCURRENT PAYMENT TO SURVIVING SPOUSES OF DISABILITY AND INDEMNITY COMPENSATION AND ANNUITIES UNDER SURVIVOR BENEFIT PLAN.

(a) CONCURRENT PAYMENT.—Section 1450 of title 10, United States Code, is amended by striking subsection (c).

(b) CONFORMING AMENDMENTS.—That section is further amended by striking subsections (e) and (k).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to the payment of annuities under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, for months beginning on or after that date.

(d) RECOMPUTATION OF ANNUITIES.—The Secretary of Defense shall provide for the readjustment of any annuities to which subsection (c) of section 1450 of title 10, United States Code, applies as of the date before the date of the enactment of this Act, as if the adjustment otherwise provided for under such subsection (c) had never been made.

(e) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any person by virtue of the amendments made by this section for any period before the effective date of the amendments as specified in subsection (c).

HARKIN AMENDMENT NO. 3762

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. SECRECY POLICIES AND WORKER HEALTH.

(a) FINDINGS.—Congress makes the following findings:

(1) Workers at some nuclear weapons production facilities in the United States have been exposed to radioactive and other hazardous substances that could harm their health.

(2) Some workers at the nuclear weapons facility at the Iowa Army Ammunition Plant from 1947–1975 also worked for a United States Army plant at the same site and under the same contractor.

(3) The policy of the Department of Defense to neither confirm nor deny the presence of nuclear weapons at any site has prevented the Department from even acknowledging the reason for some worker exposures to radioactive or other hazardous substances, and secrecy oaths have discouraged some workers from discussing possible exposures with their health care providers and other appropriate officials.

(4) The policy of the Department to neither confirm nor deny has been applied to sites where nuclear weapons are widely known to have been present, where the past presence of nuclear weapons were last present more than 25 years ago.

(5) The Department has, in the past, varied from its policy by publicly acknowledging that the United States had nuclear weapons in Alaska, Cuba, Guam, Hawaii, Johnston Islands, Midway, Puerto Rico, the United Kingdom, and West Germany, and has denied having weapons in Iceland.

(6) It is critical to maintain national secrets regarding nuclear weapons, but more openness on nuclear weapons activities now consigned to history is needed to protect the health of former workers and the public.

(b) REVIEW OF SECRECY POLICIES.—The Secretary of Defense is directed to change Department secrecy oaths and policies, within appropriate national security constraints, to ensure that such policies do not prevent or discourage current and former workers at nuclear weapons facilities who may have been exposed to radioactive and other hazardous substances from discussing those exposures with their health care providers and with other appropriate officials. The policies amended should include the policy to neither confirm nor deny the presence of nuclear weapons as it is applied to former U.S. nuclear weapons facilities that no longer contain nuclear weapons or materials.

(c) NOTIFICATION OF POTENTIAL VICTIMS.—The Secretary of Defense is directed to notify people who are or were bound by Department secrecy oaths or policies, and who may have been exposed to radioactive or hazardous substances at nuclear weapons facilities, of any likely health risks and of how they can discuss the exposures with their health care providers and other appropriate officials without violating secrecy oaths or policies.

BINGAMAN AMENDMENT NO. 3763

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 239, strike lines 3 through 8 and insert the following:

SEC. 655. PAYMENT OF GRATUITY TO CERTAIN VETERANS OF BATAAN AND CORREGIDOR.

(a) PAYMENT.—The Secretary of Veterans Affairs shall pay a gratuity to each covered veteran, or to the surviving spouse of such covered veteran, in the amount of $20,000.

CRAPO AMENDMENT NO. 3764

(Ordered to lie on the table.)

Mr. CRAPO submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 603, between lines 18 and 19, insert the following:

SEC. . CONCEPTUAL DESIGN FOR SUBSURFACE GEOSCIENCES LABORATORY AT IDAHO NATIONAL ENGINEERING AND ENVIRONMENTAL LABORATORY, IDAHO FALLS, IDAHO.

(a) AUTHORIZATION.—Of the amounts to be appropriated by paragraphs (2) and (3) of section 3102(a), not more than $400,000 shall be available to the Secretary of Energy for purposes of carrying out a conceptual design for a Subsurface Geosciences Laboratory at Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho.

(b) LIMITATION.—None of the funds authorized to be appropriated by section (a) may be obligated until 60 days after the Secretary submits the report required by section (c).

(c) REPORT.—The Secretary of Energy shall submit to the congressional defense committees a report on the proposed Subsurface Geosciences Laboratory, including the following:

(1) The need to conduct mesoscale experiments to meet long-term clean-up requirements at Department of Energy sites.

(2) The possibility of utilizing or modifying an existing structure or facility to house a new mesoscale experimental capability.

(3) The estimated construction cost of the facility.

(4) The estimated annual operating cost of the facility.

(5) How the facility will utilize, integrate, and support the technical expertise, capabilities, and requirements at other Department of Energy and non-Department of Energy facilities.

(6) An analysis of costs, savings, and benefits which are unique to the Idaho National Engineering and Environmental Laboratory.

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 3765

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. ADDITIONAL MATTERS FOR ANNUAL REPORT ON TRANSFERS OF MILITARILY SENSITIVE TECHNOLOGY TO COUNTRIES AND ENTITIES OF CONCERN.

Section 1402(B) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 798) is amended by adding at the end the following:

''(4) The status of the implementation or other disposition of recommendations included in reports of audits by Inspectors General that have been set forth in previous annual reports under this section.''.

HARKIN AMENDMENT NO. 3766

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. SECRECY POLICIES AND WORKER HEALTH.

(a) FINDINGS.—Congress makes the following findings:

(1) Workers at some nuclear weapons production facilities in the United States have been exposed to radioactive and other hazardous substances that could harm their health.

(2) Some workers at the nuclear weapons facility at the Iowa Army Ammunition Plant from 1947–1975 also worked for a United States Army plant at the same site and under the same contractor.

(3) The policy of the Department of Defense to neither confirm nor deny the presence of nuclear weapons at any site has prevented the Department from even acknowledging the reason for some worker exposures to radioactive or other hazardous substances, and secrecy oaths have discouraged some workers from discussing possible exposures with their health care providers and other appropriate officials.

(4) The policy of the Department to neither confirm nor deny has been applied to sites where nuclear weapons are widely known to have been present, where the past presence of nuclear weapons has been publicly discussed by other federal agencies, and where the nuclear weapons were last present more than 25 years ago.

(5) The Department has, in the past, varied from its policy by publicly acknowledging that the United States had nuclear weapons in Alaska, Cuba, Guam, Hawaii, Johnston Islands, Midway, Puerto Rico, the United Kingdom, and West Germany, and has denied having weapons in Iceland.

(6) It is critical to maintain national secrets regarding nuclear weapons, but more openness on nuclear weapons activities now consigned to history is needed to protect the health of former workers and the public.

(b) REVIEW OF SECRECY POLICIES.—The Secretary of Defense is directed to change Department secrecy oaths and policies, within appropriate national security constraints, to ensure that such policies do not prevent or discourage current and former workers at nuclear weapons facilities who may have been exposed to radioactive and other hazardous substances from discussing those exposures with their health care providers and with other appropriate officials. The policies amended should include the policy to neither confirm nor deny the presence of nuclear weapons as it is applied to former U.S. nuclear weapons facilities that no longer contain nuclear weapons or materials.

(c) NOTIFICATION OF POTENTIAL VICTIMS.—The Secretary of Defense is directed to notify people who are or were bound by Department secrecy oaths or policies, and who may have been exposed to radioactive or hazardous substances at nuclear weapons facilities, of any likely health risks and of how they can discuss the exposures with their health care providers and other appropriate officials without violating secrecy oaths or policies.

BYRD (AND OTHERS) AMENDMENT NO. 3767

(Ordered to lie on the table.)

Mr. BYRD (for himself, Mr. WARNER, Mr. LEVIN, Mr. HOLLINGS, Mr. HELMS, Mr. BREAUX, Mr. HATCH, and Mr. CAMPBELL) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. ANNUAL REPORT ON NATIONAL SECURITY IMPLICATIONS OF UNITED STATES-CHINA TRADE RELATIONSHIP.

(a) IN GENERAL.—Section 127(k) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note) is amended to read as follows:

''(k) UNITED STATES-CHINA NATIONAL SECURITY IMPLICATIONS.—

''(1) IN GENERAL.—Upon submission of the report described in subsection (e), the Commission shall continue for the purpose of monitoring, investigating, and reporting to Congress on the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China.

''(2) ANNUAL REPORT.—Not later than March 1, 2001, and annually thereafter, the Commission shall submit a report to Congress, in both unclassified and classified form, regarding the national security implications and impact of the bilateral trade and economic relationship between the United States and the People's Republic of China. The report shall include a full analysis, along with conclusions and recommendations for legislative and administrative actions, of the national security implications for the United States of the trade and current balances with the People's Republic of China in goods and services, financial transactions, and technology transfers. The Commission shall also take into account patterns of trade and transfers through third countries to the extent practicable.

''(3) CONTENTS OF REPORT.—The report described in paragraph (2) shall include, at a minimum, a full discussion of the following:

''(A) The portion of trade in goods and services that the People's Republic of China dedicates to military systems or systems of a dual nature that could be used for military purposes.

''(B) An analysis of the statements and writing of the People's Republic of China officials and officially-sanctioned writings that bear on the intentions of the Government of the People's Republic of China regarding the pursuit of military competition with, and leverage over, the United States and the Asian allies of the United States.

''(C) The military actions taken by the Government of the People's Republic of China during the preceding year that bear on the national security of the United States and the Asian allies of the United States.

''(D) The acquisition by the Government of the People's Republic of China and entities controlled by the Government of advanced military technologies through United States trade and technology transfers.

''(E) Any transfers, other than those identified under subparagraph (D), to the military systems of the People's Republic of China made by United States firms and United States-based multinational corporations.

''(F) The use of financial transactions, capital flow, and currency manipulations that affect the national security interests of the United States.

''(G) Any action taken by the Government of the People's Republic of China in the context of the World Trade Organization that is adverse to the United States national security interests.

''(H) Patterns of trade and investment between the People's Republic of China and its major trading partners, other than the United States, that appear to be substantively different from trade and investment patterns with the United States and whether the differences constitute a security problem for the United States.

''(I) The extent to which the trade surplus of the People's Republic of China with the United States is dedicated to enhancing the military budget of the People's Republic of China.

''(J) The overall assessment of the state of the security challenges presented by the People's Republic of China to the United States and whether the security challenges are increasing or decreasing from previous years.

''(3) NATIONAL DEFENSE WAIVER.—The report described in paragraph (2) shall include recommendations for action by Congress or the President, or both, including specific recommendations for the United States to invoke Article XXI (relating to security exceptions) of the General Agreement on Tariffs and Trade Act of 1994 with respect to the People's Republic of China, as a result of any adverse impact on the national security interests of the United States.''.

(b) CONFORMING AMENDMENTS.—

(1) NAME OF COMMISSION.—Section 127(c)(1) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note) is amended by striking ''Trade Deficit Review Commission'' and inserting ''United States-China Security Review Commission''.

(2) QUALIFICATIONS OF MEMBERS.—Section 127(c)(3) of such Act (19 U.S.C. 2213 note) is amended by adding at the end the following new subparagraph:

''(C) SPECIAL CONSIDERATIONS.—For the period beginning after December 1, 2000, consideration shall also be given to the appointment of persons with expertise and experience in national security matters and United States-China relations.''.

(3) PERIOD OF APPOINTMENT.—Section 127(c)(3)(A) of such Act (19 U.S.C. 2213 note) is amended to read as follows:

''(A) IN GENERAL.—

''(i) APPOINTMENT BEGINNING WITH 107th CONGRESS.—Beginning with the 107th Congress and each new Congress thereafter, members shall be appointed not later than 30 days after the date on which Congress convenes. Members may be reappointed for additional terms of service.

''(ii) TRANSITION.—Members serving on the Commission shall continue to serve until such time as new members are appointed.''.

(4) TERMINOLOGY.—

(A) Section 127(c)(6) of such Act (19 U.S.C. 2213 note) is amended by striking ''Chairperson'' and inserting ''Chairman''.

(B) Section 127(g) of such Act (19 U.S.C. 2213 note) is amended by striking ''Chairperson'' each place it appears and inserting ''Chairman''.

(5) CHAIRMAN AND VICE CHAIRMAN.—Section 127(c)(7) of such Act (19 U.S.C. 2213 note) is amended—

(A) by striking ''Chairperson'' and ''vice chairperson'' in the heading and inserting ''Chairman'' and ''vice chairman'';

(B) by striking ''chairperson'' and ''vice chairperson'' in the text and inserting ''Chairman'' and ''Vice Chairman''; and

(C) by inserting ''at the beginning of each new Congress'' before the end period.

(6) HEARINGS.—Section 127(f)(1) of such Act (19 U.S.C. 2213 note) is amended to read as follows:

''(1) HEARINGS.—

''(A) IN GENERAL.—The Commission or, at its direction, any panel or member of the Commission, may for the purpose of carrying out the provisions of this Act, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

''(B) INFORMATION.—The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this Act.''.

''(C) SECURITY.—The Office of Senate Security shall provide classified storage and meeting and hearing spaces, when necessary, for the Commission.

''(D) SECURITY CLEARANCES.—All members of the Commission and appropriate staff shall be sworn and hold appropriate security clearances.''.

(7) APPROPRIATIONS.—Section 127(i) of such Act (19 U.S.C. 2213 note) is amended to read as follows:

''(i) AUTHORIZATION.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Commission for fiscal year 2001, and each fiscal year thereafter, such sums as may be necessary to enable it to carry out its functions. Appropriations to the Commission are authorized to remain available until expended.

''(2) FOREIGN TRAVEL FOR OFFICIAL PURPOSES.—Foreign travel for official purposes by members and staff of the Commission may be authorized by either the Chairman or the Vice Chairman.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 1, 2000.

COLLINS AMENDMENT NO. 3768

(Ordered to lie on the table.)

Ms. COLLINS submitted an amendment intended to be proposed by her to the bill, S. 2549, supra; as follows:

On page 32, after line 24, add the following:

SEC. 142. AGLI/STRIKER WEAPONS FOR SPECIAL OPERATIONS FORCES.

(a) INCREASE IN AUTHORIZATION FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated by section 104 for procurement, Defense-wide is hereby increased by $6,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by

section 104, as increased by subsection (a), $6,000,000 shall be available for SOF Small Arms & Weapons for procurement of low rate initial production units (LRIP units) of the AGLI/STRIKER weapon in order to facilitate the early fielding of AGLI/STRIKER weapons to Special Operations Forces (SOF).

BYRD AMENDMENT NO. 3769

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

Strike section 910.

BINGAMAN (AND OTHERS) AMENDMENT NO. 3770

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. DOMENICI, Mrs. MURRAY, Mr. GORTON, Mr. THOMPSON, Mr. FRIST, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

At the appropriate place in Title XXXI, add the following subtitle:

Subtitle —National Laboratories Partnership Improvement Act

SEC. 31 1. SHORT TITLE.

This subtitle may be cited as the ''National Laboratories Partnership Improvement Act of 2000''.

SEC. 31 2. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''Department'' means the Department of Energy;

(2) the term ''departmental mission'' means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law;

(3) the term ''institution of higher education'' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term ''National Laboratory'' means any of the following institutions owned by the Department of Energy—

(A) Argonne National Laboratory;

(B) Brookhaven National Laboratory;

(C) Idaho National Engineering and Environmental Laboratory;

(D) Lawrence Berkeley National Laboratory;

(E) Lawrence Livermore National Laboratory;

(F) Los Alamos National Laboratory;

(G) National Renewable Energy laboratory;

(H) Oak Ridge National Laboratory;

(I) Pacific Northwest National Laboratory; or

(J) Sandia National Laboratory;

(5) the term ''facility'' means any of the following institutions owned by the Department of Energy—

(A) Ames Laboratory;

(B) East Tennessee Technology Park;

(C) Environmental Measurement Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Kansas City Plant;

(F) National Energy Technology Laboratory;

(G) Nevada Test Site;

(H) Princeton Plasma Physics Laboratory;

(I) Savannah River Technology Center;

(J) Stanford Linear Accelerator Center;

(K) Thomas Jefferson National Accelerator Facility;

(L) Waste Isolation Pilot Plant;

(M) Y–12 facility at Oak Ridge National Laboratory; or

(N) other similar organization of the Department designated by the Secretary that engages in technology transfer, partnering, or licensing activities;

(6) the term ''nonprofit institution'' has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(5));

(7) the term ''Secretary'' means the Secretary of Energy;

(8) the term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632);

(9) the term ''technology-related business concern'' means a for-profit corporation, company, association, firm, partnership, or small business concern that—

(A) conducts scientific or engineering research,

(B) develops new technologies,

(C) manufactures products based on new technologies, or

(D) performs technological services;

(10) the term ''technology cluster'' means a geographic concentration of—

(A) technology-related business concerns;

(B) institutions of higher education; or

(C) other nonprofit institutions

that reinforce each other's performance though formal or informal relationships;

(11) the term ''socially and economically disadvantaged small business concerns'' has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)); and

(12) the term ''NNSA'' means the National Nuclear Security Administration established by Title XXXII of National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

SEC. 31 3. TECHNOLOGY INFRASTRUCTURE PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, through the appropriate officials of the Department, shall establish a Technology Infrastructure Pilot Program in accordance with this section

(b) PURPOSE.—The purpose of the program shall be to improve the ability of National Laboratories or facilities to support departmental missions by—

(1) stimulating the development of technology clusters in the vicinity of National Laboratories or facilities;

(2) improving the ability of National Laboratories or facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or facilities and—

(A) institutions of higher education,

(B) technology-related business concerns,

(C) nonprofit institutions, and

(D) agencies of state, tribal, or local governments—

that are located in the vicinity of a National Laboratory or facility.

(c) PILOT PROGRAM.—In each of the first three fiscal years after the date of enactment of this section, the Secretary may provide up to $10,000,000, divided equally, among no more than ten National Laboratories or facilities selected by the Secretary to conduct Technology Infrastructure Program Pilot Programs.

(d) PROJECTS.—The Secretary shall authorize the Director of each National Laboratory or facility designated under subsection (c) to implement the Technology Infrastructure Pilot Program at such National Laboratory or facility through projects that meet the requirements of subsections (e) and (f).

(e) PROGRAM REQUIREMENTS.—Each project funded under this section shall meet the following requirements:

(1) MINIMUM PARTICIPANTS.—Each project shall at a minimum include—

(A) a National Laboratory or facility; and

(B) one of the following entities—

(i) a business,

(ii) an institution of higher education,

(iii) a nonprofit institution, or

(iv) an agency of a state, local, or tribal government.

(2) COST SHARING—

(A) MINIMUM AMOUNT.—Not less than 50 percent of the costs of each project funded under this section shall be provided from non-federal sources.

(B) QUALIFIED FUNDING AND RESOURCES.—

(i) The calculation of costs paid by the non-federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project.

(ii) Independent research and development expenses of government contractors that qualify for reimbursement under section 31–205–18(e) of the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited towards costs paid by non-federal sources to a project, if the expenses meet the other requirements of this section.

(iii) No funds or other resources expended either before the start of a project under this section or outside the project's scope of work shall be credited toward the costs paid by the non-federal sources to the project.

(3) COMPETITIVE SELECTION.—All projects where a party other than the Department or a National Laboratory or facility receives funding under this section shall, to the extent practicable, be competitively selected by the National Laboratory or facility using procedures determined to be appropriate by the Secretary or his designee.

(4) ACCOUNTING STANDARDS.—Any participant receiving funding under this section, other than a National Laboratory or facility, may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) LIMITATIONS.—No federal funds shall be made available under this section for—

(A) construction; or

(B) any project for more than five years.

(f) SELECTION CRITERIA.—

(1) THRESHOLD FUNDING CRITERIA.—The Secretary shall authorize the provision of federal funds for projects under this section only when the Director of the National Laboratory or facility managing such a project determines that the project is likely to improve the participating National Laboratory or facility's ability to achieve technical success in meeting departmental missions.

(2) ADDITIONAL CRITERIA.—The Secretary shall also require the Director of the National Laboratory or facility managing a project under this section to consider the following criteria in selecting a project to receive federal funds—

(A) the potential of the project to succeed, based on its technical merit, team members, management approach, resources, and project plan;

(B) the potential of the project to promote the development of a commercially sustainable technology cluster, one that will derive most of the demand for its products or services from the private sector, in the vicinity of the participating National Laboratory or facility;

(C) the potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or facility to achieve its departmental mission or the commercial development of technological innovations made at the participating National Laboratory or facility;

(D) the commitment shown by non-federal organizations to the project, based primarily on the nature and amount of the financial

and other resources they will risk on the project;

(E) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns located in the vicinity of the participating National Laboratory or facility that will make substantive contributions to achieving the goals of the project;

(F) the extent of participation in the project by agencies of state, tribal, or local governments that will make substantive contributions to achieving the goals of the project;

(G) the extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns located in the vicinity of the National Laboratory or facility or involves such small business concerns substantively in the project.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall limit the Secretary from requiring the consideration of other criteria, as appropriate, in determining whether projects should be funded under this section.

(g) REPORT TO CONGRESS ON FULL IMPLEMENTATION.—Not later than 120 days after the start of the third fiscal year after the date of enactment of this section, the Secretary shall report to Congress on whether the Technology Infrastructure Program should be continued beyond the pilot stage, and, if so how the fully implemented program should be managed. This report shall take into consideration the results of the pilot program to date and the views of the relevant Directors of the National laboratories and facilities. The report shall include any proposals for legislation considered necessary by the Secretary to fully implement the program.

SEC. 31 4. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) ADVOCACY FUNCTION.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a small business advocacy function that is organizationally independent of the procurement function at the National Laboratory or facility. The person or office vested with the small business advocacy function shall—

(1) work to increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurements, collaborative research, technology licensing, and technology transfer activities conducted by the National Laboratory or facility;

(2) report to the Director of the National Laboratory or facility on the actual participation of small business concerns in procurements and collaborative research along with recommendations, if appropriate, on how to improve participation;

(3) make available to small business concerns training, mentoring, and clear, up-to-date information on how to participate in the procurements and collaborative research, including how to submit effective proposals;

(4) increase the awareness inside the National Laboratory or facility of the capabilities and opportunities presented by small business concerns; and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or facility.

(b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or facility; or

(2) general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the small business concern's products or services.

(c) USE OF FUNDS.—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

SEC. 31 5. TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

(a) APPOINTMENT OF OMBUDSMAN.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding each laboratory's policies and actions with respect to technology partnerships (including cooperative research and development agreement), patents, and technology licensing. Each ombudsman shall—

(1) be a senior official of the National Laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing, or, if appointed from outside the laboratory, function as such a senior official; and

(2) have direct access to the Director of the National Laboratory or facility.

(b) DUTIES.—Each ombudsman shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the laboratory regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report, through the Director of the National Laboratory or facility, to the Department annually on the number and nature of complaints and disputes raised, along with the ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information.

(c) DUAL APPOINTMENT.—A person vested with the small business advocacy function of section 31 4 may also serve as the technology partnership ombudsman.

SEC. 31 6. STUDIES RELATED TO IMPROVING MISSION EFFECTIVENESS, PARTNERSHIPS, AND TECHNOLOGY TRANSFER AT NATIONAL LABORATORIES.

(a) STUDIES.—The Secretary shall direct the Laboratory Operations Board to study and report to him, not later than one year after the date of enactment of this section, on the following topics:

(1) the possible benefits from and need for policies and procedures to facilitate the transfer of scientific, technical, and professional personnel among National Laboratories and facilities; and;

(2) the possible benefits from and need for changes in—

(A) the indemnification requirements for patents or other intellectual property licensed from a National Laboratory or facility;

(B) the royalty and fee schedules and types of compensation that may be used for patents or other intellectual property licensed to a small business concern from a National Laboratory or facility;

(C) the licensing procedures and requirements for patents and other intellectual property, including allowing a preference for a small business concern started by a former employee of a National Laboratory or facility who invented the patented technology or other intellectual property;

(D) the rights given to a small business concern that has licensed a patent or other intellectual property from a National Laboratory or facility to bring suit against third parties infringing such intellectual property;

(E) the advance funding requirements for a small business concern funding a project at a National Laboratory or facility through a Funds-In-Agreement;

(F) the intellectual property rights allocated to a business when it is funding a project at a National Laboratory or facility through a Funds-In-Agreement; and

(G) policies on royalty payments to inventors employed by a contractor-operated National Laboratory or facility, including those for inventions made under a Funds-In-Agreement.

(b) DEFINITION.—For the purposes of this section, the term ''Funds-In-Agreement'' means a contract between the Department and a non-federal organization where that organization pays the Department to provide a service or material not otherwise available in the domestic private sector.

(c) REPORT TO CONGRESS.—Not later than one month after receiving the report under subsection (a), the Secretary shall transmit the report, along with his recommendations for action and proposals for legislation to implement the recommendations, to Congress.

SEC. 31 7. OTHER TRANSACTIONS AUTHORITY.

(a) NEW AUTHORITY.—Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following new subsection:

''(g) OTHER TRANSACTIONS AUTHORITY.—(1) In addition to other authorities granted to the Secretary to enter into procurement contracts, leases, cooperative agreements, grants, and other similar arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or persons on such terms as the Secretary may deem appropriate in furtherance of basic, applied, and advanced research functions now or hereafter vested in the Secretary. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908).

''(2)(A) The Secretary of Energy shall ensure that—

''(i) to the maximum extent practicable, no transaction entered into under paragraph (1) provides for research that duplicates research being conducted under existing programs carried out by the Department of Energy; and

''(ii) to the extent that the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction.

''(B) A transaction authorized by paragraph (1) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

''(3)(A) The Secretary shall not disclose any trade secret or commercial or financial information submitted by a non-federal entity under paragraph (1) that is privileged and confidential.

''(B) The Secretary shall not disclose, for five years after the date the information is received, any other information submitted by a non-federal entity under paragraph (1), including any proposal, proposal abstract, document supporting a proposal, business plan, or technical information that is privileged and confidential.

''(C) The Secretary may protect from disclosure, for up to five years, any information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552(b)(4) of title 5,

United States Code, if obtained from a person other than a federal agency.''.

(b) IMPLEMENTATION.—Not later than six months after the date of enactment of this section, the Department shall establish guidelines for the use of other transactions. Other transactions shall be made available, if needed, in order to implement projects funded under section 31 3.

SEC. 31 8. CONFORMANCE WITH NNSA ORGANIZATIONAL STRUCTURE.

All actions taken by the Secretary in carrying out this subtitle with respect to National Laboratories and facilities that are part of the NNSA shall be through the Administrator for Nuclear Security in accordance with the requirements of Title XXXII of National Defense Authorization Act for Fiscal Year 2000.

SEC. 31 9. ARCTIC ENERGY.

(a) ESTABLISHMENT.—There is hereby established within the Department of Energy an Office of Arctic Energy. The Director of the Office shall report to the Secretary of Energy.

(b) PURPOSE.—The purposes of the Office of Arctic Energy are—

(1) to promote research, development and deployment of electric power technology that is cost-effective and especially well suited to meet the needs of rural and remote regions of the United States, especially where permafrost is present or located nearby; and

(2) to promote research, development and deployment in such regions of—

(A) enhanced oil recovery technology, including heavy oil recovery, reinjection of carbon and extended reach drilling technologies;

(B) gas-to-liquids technology and liquefied natural gas (including associated transportation systems);

(C) small hydroelectric facilities, river turbines and tidal power;

(D) natural gas hydrates, coal bed methane, and shallow bed natural gas; and

(E) alternative energy, including wind, geothermal, and fuel cells.

(c) LOCATION.—The Secretary shall locate the Office of Arctic Energy at a university with special expertise and unique experience in the matters specified in paragraphs 1 and 2 of subsection b.

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

(1) $1,000,000 for the first fiscal year after the date of enactment of this section; and

(2) such sums as may be necessary for each fiscal year thereafter.

AUTHORITY FOR COMMITTEES TO MEET

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet during the session of the Senate on Friday, June 30, 2000, 9:30 a.m., for a hearing entitled ''HUD's Government Insured Mortgages: The Problem of Property 'Flipping.' ''

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

S. 2832—REAUTHORIZING THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

On June 29, 2000, Ms. SNOWE introduced S. 2832. The text of the bill follows:

S. 2832

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 ''Magnuson-Stevens Reauthorization Act of 2000''.

TITLE I—REAUTHORIZATION AND REVISION

SEC. 101. AMENDMENT OF THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act 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 Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 4 (16 U.S.C. 1803) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) $400,000,000 for fiscal year 2000;

''(2) $415,000,000 for fiscal year 2001;

''(3) $430,000,000 for fiscal year 2002;

''(4) $445,000,000 for fiscal year 2003;

''(5) $460,000,000 for fiscal year 2004; and

''(6) $475,000,000 for fiscal year 2005.''.

SEC. 103. POLICY.

Section 2(c) (16 U.S.C. 1081(c)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (6);

(2) by striking ''States.'' in paragraph (7) and inserting ''States; and; and

(3) by adding at the end thereof the following:

''(8) to use the best scientific information available when making fisheries management and conservation decisions, meaning information that is collected and analyzed by a process that, to the extent practicable—

''(A) is directly related to the specific issue under consideration;

''(B) is based on a statistically sufficient sample such that any conclusions drawn are reasonably supported;

''(C) has been independently peer-reviewed;

''(D) has been collected within a time frame that is reasonably related to the specific issue under consideration; and

''(E) incorporates a broad base of available sources.''.

SEC. 104. DEFINITIONS; NEW TERMS.

(a) NEW TERMS.—Section 3 (16 U.S.C. 1802) is amended as follows:

(1) HABITAT AREA OF PARTICULAR CONCERN.—After paragraph (18), insert the following:

''( ) The term 'habitat area of particular concern' means those waters and submerged substrate that form a discrete vulnerable subunit of essential fish habitat that is required for a stock to sustain itself and which is designated through a specified set of national criteria which includes, at a minimum, a requirement that designation be based on the best scientific information available regarding habitat-specific density of that fish stock, growth, reproduction, and survival rates of that stock within the designated area.''.

(2) MAXIMUM SUSTAINABLE YIELD.—After paragraph (23), insert the following:

''( ) The term 'maximum sustainable yield' means the largest long-term average catch or yield in terms of weight of fish caught for commercial and recreational purposes that can be continuously taken from a stock under existing environmental conditions, and which is adjusted as environmental conditions change.''.

(b) NUMERATION AND REDESIGNATION.—Section 3 (16 U.S.C. 1802), as amended by subsection (a), is amended—

(1) by moving paragraph (35) to follow paragraph (36); and

(2) by renumbering all paragraphs in numerical order from (1) through (47).

(c) REFERENCES IN OTHER LAW.—Whenever any other provision of law refers to a term defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) by its paragraph number and that paragraph was renumbered by subsection (b) of this section, the reference shall be considered to be a reference to the paragraph number given that paragraph under subsection (b) or subsequent amendment of that Act.

SEC. 105. ADVISORY COMMITTEE REFORM AND PEER REVIEW.

(a) REFORM.—Section 302(g) (16 U.S.C. 1852(g)) is amended—

(1) by adding at the end of paragraph (3) the following:

''(C) For each committee established under subparagraph (A), each Council shall establish standard operating procedures relating to time, place, and frequency of meetings, a description of the type and format of information to be provided under subparagraph (A), a description of how recommendations under subparagraph (A) will be used, and other relevant factors.'';

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

''(5) Each Council shall establish standard operating procedures relating to the relevant scientific review committee or committees that are responsible for conducting peer reviews of all stock assessments and economic and social analyses prepared for fisheries under the Council's jurisdiction. Committees under this paragraph shall consist of members from the committee established under paragraph (1) of this subsection and, to the extent practicable, independent scientists qualified to peer review such assessments and analyses.''.

(b) PEER REVIEW.—Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

''(6) to the extent practicable conduct a peer review of any stock assessments and economic and social analyses prepared for a fishery under its jurisdiction, utilizing the procedures established under subsection (g)(5); and''.

SEC. 106. OVERFISHING AND REBUILDING.

(a) REBUILDING OVERFISHED FISHERIES.—Section 304(e) (16 U.S.C. 1854(e)) is amended—

(1) by striking ''(1) The Secretary'' in paragraph (1) and inserting ''(1)(A) The Secretary'';

(2) by inserting after ''overfished.'' the following:

''The Secretary shall also identify which fisheries are managed under a fishery management plan or international agreement, and the estimated percentage of the total volume of all species in United States waters that are manged under a fishery management plan or international agreement.''

(3) by striking the last sentence of paragraph (1) and inserting the following: ''A fishery shall be classified as approaching a condition of being overfished if, based on the best scientific information available trends in fishing effort and fishery resource size and other appropriate factors, the Secretary estimates that the fishery will become overfished within 2 years.'';

(4) by adding at the end of paragraph (1) the following:

''(B) If the Secretary determines that insufficient information is available on which to conclude that a fishery is approaching a condition of being overfished, the Secretary shall immediately notify the appropriate Council and within six months of such notification implement a research program, including cooperative research, designed to provide the information needed to determine whether or not the fishery is approaching a condition of being overfished.'';

(5) by striking paragraph (2) and inserting the following:

''(2)(A) If the Secretary determines at any time that a fishery is overfished, the Secretary shall immediately notify the appropriate Council and request that action be taken to end overfishing and to implement conservation and management measures to rebuild the stock of fish.

''(B) If a fishery harvests more than one stock of fish, the fishery shall be managed as a unit and considered as a unit for purposes of this Act, and the conservation and management targets of this Act do not require that the fishery be managed on a stock-by-stock basis.

''(C) The Secretary shall publish each notice under this paragraph in the Federal Register.'';

(6) striking clauses (i) and (ii) of paragraph (4) and inserting the following:

''(i) be as short as possible, taking into account the status and biology of any overfished stocks of fish, the need to minimize adverse social and economic impacts, including the cumulative impact of conservation and management measures on fishing communities, oceanographic and other environmental conditions that affect the stocks of fish, the interaction of the overfished stock of fish within the marine ecosystem, and be consistent with conservation and management measures adopted by an international organization in which the United States participates; and

''(ii) not exceed 10 years, except in cases where the biology of the stock of fish, or other environmental conditions dictate otherwise, or in cases where conservation and management measures adopted by an international organization in which the United States participates recommend otherwise.''; and

(7) by striking ''United States.'' in paragraph (4)(C) and inserting the following: ''United States, and provide fair and equitable sharing of the management and conservation requirements among all contracting harvesters under such an agreement.''.

(b) ATLANTIC HIGHLY MIGRATORY SPECIES.—Section 304(g)(1) (16 U.S.C. 1854(g)(1)) is amended—

(1) by redesignating subparagraphs (A) through (G) as subparagraphs (B) through (H), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following:

''(A) consult with the commissioners appointed under section 971a of the Atlantic Tunas Convention Act (16 U.S.C. 971) during the preparation of plans, plan amendments, and regulations that implement recommendations of the International Commission for the Conservation of Atlantic Tunas to ensure that the implementation of such plans, plan amendments, and regulations is consistent with such recommendations.'';

(3) by striking ''commissioners and'' in subparagraph (B), as so redesignated;

(4) by redesignating clauses (iii) and (iv) in subparagraph (H), as so redesignated, as clauses (v) and (vi), respectively, and inserting after clause (ii) the following:

''(iii) do not have the effect of increasing or decreasing any allocation or quota of fish or fishing mortality level to the United States agreed to pursuant to a recommendation of the International Commission for the Conservation of Atlantic Tunas;

''(iv) require comparable permitting, reporting, monitoring, and enforcement for all commercial and recreational fisheries;''; and

(5) by striking ''species;'' in subparagraph (G), as redesignated, and inserting ''species and maintain the conservation leadership role of the United States through such measures;''.

SEC. 107. OBSERVERS.

(a) IN GENERAL.—Section 303 (16 U.S.C. 1853) is amended by adding at the end thereof the following:

''(e) OBSERVER PROGRAMS.—

''(1) When establishing any new program under this Act which utilizes observers deployed on United States fishing vessels or in United States fish processing plants for purposes of monitoring the harvesting of fish and collecting scientific information, the Council with jurisdiction over the fishery (or in the case of a highly migratory species fishery, the Secretary) in which the observers will be deployed shall establish a set of goals and objectives, an implementation schedule for the program, and a statistically reliable method for achieving the goals and objectives.

''(2) The goals and objectives required under paragraph (1) shall take into account—

''(A) equity among the various harvesting and processing sectors in the fishery;

''(B) fair and equitable sharing of the costs of the program among participants in the fishery; and

''(C) that those fishing vessels and processing plants where observers are deployed are not put at a disadvantage with respect to other harvesters or processors in that fishery or in other fisheries.

''(3) Any system of fees established under this section shall provide that the total amount of fees collected under this section not exceed the combined cost of—

''(A) stationing observers on board fishing vessels and United States fish processors;

''(B) the actual cost of inputting collected data; and

''(C) less any amount received for such purpose from another source, including Federal funds.''.

(b) PLAN REQUIREMENT.—Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) by striking ''and'' at the end of paragraph (13);

(2) by striking ''fishery.'' in paragraph (14) and inserting''fishery; and''; and

(3) by adding at the end thereof the following:

''(15) to the extent that observers are deployed on board United States fishing vessels or in United States fish processing plants under the provisions of a fishery management plan or regulations implementing a fishery management plan, comply with the goals and objectives required under subsection (e).''.

SEC. 108. CUMULATIVE IMPACTS.

(a) NATIONAL STANDARDS.—Section 301(a)(8) (16 U.S.C. 1851(a)(8)) is amended to read as follows:

''(8) Conservation and management measures shall, consistent with the conservation requirements of this Act, take into account the importance of fishery resources to fishing communities, and the individual and cumulative economic and social impact of fishery conservation and management measures on such communities, in order to—

''(A) provide for the sustained participation of such communities; and

''(B) to the extent practicable, minimize adverse social and economic impacts on such communities.''.

(b) CONTENTS OF PLANS.—Section 303(a)(9) (16 U.S.C. 1853(a)(9)) is amended by striking ''describe the likely effects, if any, of the conservation and management measures on—'' and inserting ''describe in detail the likely effects, including the individual and cumulative economic and social impacts, of the conservation and management measures on—''.

SEC. 109. ESSENTIAL FISH HABITAT.

(a) FISHERY MANAGEMENT PLANS.—Section 303(a)(7) (16 U.S.C. 1853(a)(7)) is amended to read as follows:

''(7) describe and identify essential fish habitat and habitat areas of particular concern for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), and minimize to the extent practicable adverse effects on habitat areas of particular concern caused by fishing and identify other actions to encourage the conservation and enhancement of such habitat.''.

(b) FISH HABITAT REQUIREMENT.—Section 305(b)(1) (16 U.S.C. 1855) is amended by inserting ''and habitat areas of particular concern'' following ''essential fish habitat'' each time it appears in subparagraphs (A) and (B).

SEC. 110. REGIONAL FISHERY MANAGEMENT COUNCILS.

Section 302 (16 U.S.C. 1852) is amended—

(1) by inserting ''and of the commonwealths, territories, and possessions of the United States in the Caribbean Sea'' in subsection (a)(1)(D) after ''States'';

(2) by inserting ''or disseminated by any other means that will result in wide publicity'' in subsection (i)(2)(C) after ''fishery)''; and

(3) by inserting ''or notify the public through any other means that will result in wide publicity'' in subsection (i)(3)(B) after ''ports)''.

SEC. 111. CONTENTS OF FISHERY MANAGEMENT PLANS.

Section 303(b)(7) (16 U.S.C. 1853(b)(7)) is amended by striking ''(other than economic data)''.

SEC. 112. ACTION BY THE SECRETARY.

Section 304 (16 U.S.C. 1854) is amended—

(1) by inserting ''and any proposed implementing regulations prepared under section 303(c)(1),'' in subsection (a)(1) after ''plan amendment,'';

(2) by redesignating subparagraphs (A) and (B) of subsection (a)(1) as subparagraphs (B) and (C), respectively;

(3) by inserting before subparagraph (B), as so redesignated, of subsection (a)(1) the following:

''(A) immediately make a preliminary evaluation of the management plan or amendment for purposes of deciding if it is consistent with the national standards and sufficient in scope and substance to warrant review under this subsection, and

''(i) if that decision is affirmative, implement subparagraphs (B) and (C) with respect to the plan or amendment; or

''(ii) if that decision is negative, disapprove the plan or amendment and notify the Council, in writing, of the disapproval and of those matters specified in paragraph (3)(A), (B), and (C) as they relate to the plan or amendment;'';

(4) striking subparagraph (C), as so redesignated, of subsection (a)(1) and inserting the following:

''(C) by the 15th day following transmittal of the plan and proposed implementing regulations, publish in the Federal Register—

''(i) a notice stating that the plan or amendment is available and that written data, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 50-day period beginning on the date the notice is published; and

''(ii) any proposed implementing regulations that are consistent with the fishery

management plan or amendment, this Act, and other applicable law, for a comment period of 50 days (incorporating any technical changes to the Council's proposed regulations the Secretary believes to be necessary for clarity, together with an explanation of those changes).'';

(5) by striking ''section 303(c),'' in subsection (b)(1) and inserting ''section 303(c)(2),'';

(6) by striking ''if that determination is affirmative, the Secretary shall'' in subsection (b)(1)(A) and inserting ''if the Secretary determines that the regulations are consistent, the Secretary shall, within 15 days of transmittal,'';

(7) by striking ''if that determination is negative, the Secretary shall'' in subsection (b)(1)(B) and inserting ''if the Secretary determines that the regulations are not consistent, the Secretary shall, within 15 days of transmittal,''; and

(8) by striking ''paragraph (1)(A).'' in subsection (b)(3) and inserting ''paragraph (1)(A), and within 45 days after the end of the comment period under subsection (a)(1)(C).''.

SEC. 113. INFORMATION COLLECTION.

Section 402 (16 U.S.C. 1881a) is amended—

(1) by striking ''(other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations)'' each place it appears in subsection (a);

(2) by striking ''under this Act shall be confidential and shall not be disclosed,'' in subsection (b)(1) and inserting ''under this Act, and that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations, shall be kept confidential and not disclosed for a period of 20 years following the year of submission to the Secretary,''; and

(3) by striking ''under this Act,'' in subsection (b)(2) and inserting ''under this Act, and that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations,''.

SEC. 114. COOPERATIVE RESEARCH AND MANAGEMENT.

The Act is amended by adding at the end thereof the following:

''TITLE V-COOPERATIVE RESEARCH AND MANAGEMENT.

''SEC. 501. ESTABLISHMENT OF PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish a national cooperative research and management program to be administered by the National Marine Fisheries Service, based on recommendations by the Councils. The program shall consist of cooperative research and management activities between fishing industry participants, the affected States, and the Service.

''(b) RESEARCH AWARDS.—Each research project under this program shall be awarded on a standard competitive basis established by the Service, in consultation with the Councils. Each Council shall establish a research steering committee to carry out this subsection.

''(c) GUIDELINES.—The Secretary, in consultation with the appropriate Council and the fishing industry, shall create guidelines so that participants in this program are not penalized for loss of catch history or unexpended days-at-sea as part of a limited entry system.''.

''SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the National Marine Fisheries Service, in addition to amounts otherwise authorized by this Act, the following amounts, to remain available until expended, for the conduct of this program:

''(1) $15,000,000 for fiscal year 2001.

''(2) $20,000,000 for fiscal year 2002.

''(3) $25,000,000 for fiscal year 2003.

''(4) $30,000,000 for fiscal year 2004.

''(5) $35,000,000 for fiscal year 2005.''.

SEC. 115. INDIVIDUAL FISHING QUOTAS.

Section 303(d)(1)(A) is amended by striking ''before October 1, 2000,'' and inserting ''before October 1, 2003,''.

SEC. 116. COOPERATIVE ENFORCEMENT AGREEMENTS.

Titile III is amended by adding at the end thereof the following:

''SEC. 315. COOPERATIVE ENFORCEMENT USES.

''(a) IN GENERAL.—The Governor of a State represented on an Interstate Fisheries Commission may apply to the Secretary for execution of a cooperative enforcement agreement with the Secretary that will authorize the deputization of State law enforcement officers with marine law enforcement responsibilities to perform duties of the Secretary relating to law enforcement provisions under this Act or any other marine resource laws enforced by the Secretary. Upon receiving an application meeting the requirements of this section, the Secretary shall enter into the cooperative enforcement agreement with the requesting State.

''(b) REQUIREMENTS.—Cooperative enforcement agreements executed under subsection (a)—

''(1) shall be consistent with the purposes and intent of section 311(a) of this Act, to the extent applicable to the regulated activities; and

''(2) may include specifications for joint management responsibilities as provided by the first section of Public Law 91-412 (15 U.S.C. 1525).

''(c) AUTHORIZATION AND ALLOCATION OF FUNDS.—There are authorized to be appropriated to the Secretary for the purposes of carrying out this section $10,000,000 in each of fiscal years 2001 through 2005. The Secretary shall include in each cooperative enforcement agreement an allocation of funds to assist in management of the agreement. The allocation shall be equitably distributed among all States participating in cooperative enforcement agreements under this subsection, based upon consideration of the specific marine conservation enforcement needs of each participating State. Such agreement may provide for amounts to be withheld by the Secretary for the cost of any technical or other assistance provided to the State by the Secretary under the agreement.''.

SEC. 117. STATEMENT OF POLICY REGARDING DELEGATION.

Section 2(c) (16 U.S.C. 1801(c)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (6);

(2) by striking ''States.'' in paragraph (7) and inserting ''States; and''; and

(3) by adding at the end thereof the following:

''(8) to ensure that, notwithstanding any other provision of law, the Secretary has exclusive authority in the Federal Government for managing fishery resources (as defined in this Act), but the Secretary may delegate such authority to any other Federal official.''.

SEC. 118. SCIENTIFIC AND STATISTICAL COMMITTEES REPORT ON ECOSYSTEM RESEARCH PRIORITIES; PILOT PROGRAM FOR FISHERY ECOSYSTEM PLANS.

Section 406 (16 U.S.C. 1882) is amended by adding at the end thereof the following:

''(f) RESEARCH.—

''(1) REPORT REQUIRED.—Within 12 months after the date of enactment of the Magnuson-Stevens Reauthorization Act of 2000 the Scientific and Statistical Committees of each regional fishery management council shall identify and submit a report to the Secretary outlining prioritized information or research needs to support ecosystem based management of the fisheries within its jurisdiction. In determining what factors to consider, the Committees may consider the recommendations outlined in the report under section (d).

''(2) ASSISTANCE.—The Secretary shall provide assistance to the regional councils to obtain the prioritized information and conduct research identified in the reports under paragraph (1). These efforts shall not displace existing research efforts and priorities identified by the regional councils or the Secretary.

''(g) PILOT PROGRAM.—

''(1) IN GENERAL.—Within 18 months after the date of enactment of the Magnuson-Stevens Reauthorization Act of 2000, the Secretary, in consultation with the 8 regional fishery management council Chairs and affected stakeholders, shall identify at least one fishery or complex of interacting fisheries suitable for the development of a pilot Fishery Ecosystem Plan. The Secretary shall consider the reports submitted under subsection (f) when selecting the pilot program.

''(2) COORDINATION WITH APPROPRIATE COUNCIL.—After identifying the pilot Fishery Ecosystem Plan, the Secretary shall coordinate with the appropriate regional fishery management council to identify any information or conduct any research that may be needed to complete such a plan including a model of the food web, habitat needs of organisms identified in the food web, rates of mortality, identification of indicator species, and any other relevant data and monitoring needs.

''(3) FISHERY ECOSYSTEM PLAN.—Within 30 months after identification of the pilot fishery or complex of interacting fisheries, the appropriate regional fishery management council shall submit to the Secretary for approval a Fishery Ecosystem Plan. In creating such plan, the council may consider the recommendations outlined in the report under section (d).''.

TITLE II—SHARK CONSERVATION

SEC. 201. PROHIBITION ON SHARK-FINNING AND THE LANDING OF SHARK FINS TAKEN BY SHARK-FINNING.

(a) IN GENERAL.—Section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''It is unlawful—'';

(2) by striking ''or'' after the semicolon in subparagraph (N);

(3) by striking the period in subparagraph (O) and inserting a semicolon and ''or''; and

(4) by adding at the end the following:

''(P) to engage in shark-finning, or to land the fins of a shark that were taken by shark-finning.

''(b) SHARK-FINNING PRESUMPTION.—For purposes of subsection (a)(1)(P), there is a rebuttable presumption that shark fins landed from a fishing vessel or found on board a fishing vessel were taken by shark-finning.''.

(b) DEFINITION ADDED TO ACT.—Section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802), as amended by section 103, is amended—

(1) by redesignating paragraphs (38) through (48), and any reference to any such paragraph elsewhere in that Act, as paragraphs (39) through (49); and

(2) by inserting after paragraph (37) the following:

''(38) The term 'shark-finning' means the taking of a shark, removing the fin or fins (whether or not including the tail), and returning the remainder of the shark to the sea.''.

SEC. 202. REGULATIONS.

No later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall promulgate regulations implementing the prohibition set forth in section 307(a)(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(a)(1)(P)) that—

(1) establish shark fin landing requirements that consider species identification needs, shark processing methods, and the nature and availability of markets for shark products in the region in which the shark fins are landed;

(2) contain procedures governing release of sharks caught but not retained by a fishing vessel that will ensure maximum probability of survival of sharks after release;

(3) contain documentation and other requirements necessary to assure the timely and adequate collection of data to support shark stock assessments and conservation enforcement efforts; and

(4) set forth the facts and circumstances under which a person may rebut the presumption established by section 307(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(b), including the use of documentation provided through applicable fisheries observer programs and dockside inspection.

SEC. 203. INTERNATIONAL NEGOTIATIONS.

The Secretary of Commerce, acting through the Secretary of State, may with respect to the fishing practices on highly migratory sharks governed by regulations promulgated by the Secretary of Commerce pursuant to section 202 of this title—

(1) notify other nations whose vessels engage in fishing on highly migratory sharks, as soon as possible, about the import certification procedures and regulations under section of this title, as well as the international cooperation and assistance provisions of section 204;

(2) initiate discussions as soon as possible for purpose of developing bilateral or multilateral agreements with other nations to conserve and manage highly migratory sharks, which should include provisions prohibiting shark-finning and minimizing adverse effects of commercial fishing operations on species of highly migratory sharks;

(3) provide to the Congress, by not later than 1 year after the date of enactment of this Act, and every year thereafter, a full report which—

(A) includes a list of nations whose vessels conduct shark-finning or commercial fishing operations which may adversely affect highly migratory shark species;

(B) describes the efforts taken to carry out this title and evaluates the progress of those efforts;

(C) includes a determination as to whether the importation into the United States of sharks and shark products (including fins) is adversely affecting the effectiveness of national and international measures for the conservation of highly migratory sharks; and

(D) includes recommendations for measures to ensure that United States actions are consistent with national, international, and regional obligations relating to highly migratory shark populations, including those listed under the Convention on the International Trade in Endangered Species.

SEC. 204. IMPORT CERTIFICATION.

(a) IN GENERAL.—If the Secretary of Commerce, after consultation with the Secretary of State, determines that the importation of sharks or shark products into the United States is adversely affecting the effectiveness of national and international measures for the conservation of highly migratory sharks, then the Secretary shall report that determination to the Congress and establish a procedure, consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, and including notice and an opportunity for comment by the governments of nations listed by the Secretary under paragraph (6) of section 203, for determining whether those governments—

(1) have adopted regulatory programs governing shark-finning and other harvesting practices adversely affecting highly migratory sharks that are comparable, taking into account different conditions, to those of the United States;

(2) have established management plans governing release of highly migratory species of sharks caught but not retained by fishing vessels that ensure maximum probability of survival after release; and

(3) have established a management plan containing requirements that will assist in gathering species-specific data to support international and regional shark stock assessments and conservation enforcement efforts.

(b) CERTIFICATION PROCEDURE.—

(1) IN GENERAL.—The Secretary shall determine, on the basis of the procedure under subsection (a), and certify to the Congress not later than 90 days after promulgation of the regulations under section 202, and annually thereafter whether the government of each harvesting nation—

(A) has provided documentary evidence of the adoption of a regulatory program governing shark-finning and the conservation of highly migratory sharks that is comparable, taking into account different conditions, to that of the United States;

(B) has established a management plan governing release of highly migratory species of sharks caught but not retained by a fishing vessel that will ensure maximum probability of survival of after release; and

(C) has established a management plan containing requirements that will assist in gathering species-specific data to support international and regional shark stock assessments and conservation enforcement efforts.

(2) ALTERNATIVE PROCEDURE.—The Secretary shall establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of imports of highly migratory sharks or products (including fins) from a vessel of a harvesting nation not certified under paragraph (1) if the Secretary determines that such imports were harvested by practices that—

(A) do not adversely affect highly migratory sharks;

(B) include release of highly migratory species of sharks caught but not retained by such vessel in a manner that ensures maximum probability of survival after release;

(C) include the gathering of species-specific data that can be used to support international and regional shark stock assessments and conservation efforts; or

(D) are consistent with harvesting practices comparable, taking into account the circumstances, to those of the United States.

(c) UNCERTIFIED IMPORTS.—It is unlawful to import highly migratory sharks or products (including fins) which have been harvested by the practice of shark-finning or other commercial fishing practices that may affect adversely such populations of sharks more than 90 days after promulgation of the regulations under section 202 if such sharks or products were harvested by a vessel of a harvesting nation not certified under subsection (b)(1) unless that vessel is certified under subsection (b)(2).

(d) REINSTATEMENT OF UNCERTIFIED COUNTRY STATUS.—If the Secretary fails to make the annual certification required by subsection (b)(1) with respect to a country previously certified under that subsection, and except as provided in subsection (b)(2), then subsection (c) shall apply to imports of highly migratory sharks or products (including fins) harvested by vessels of that nation beginning 90 days after the date in any year on which the Secretary fails to make the scheduled annual certification required by subsection (b).

SEC. 205. SHARK-FINNING DEFINED.

For the purposes of this title, the term ''shark-finning'' means the taking of a shark, removing the fin or fins (whether or not including the tail), and returning the remainder of the shark to the sea.

SEC. 206. INTERNATIONAL COOPERATION AND ASSISTANCE.

To the greatest extent possible consistent with existing authority and the availability of funds, the Secretary of Commerce shall—

(1) provide appropriate technological and other assistance to nations listed under paragraph (6) of section 203 and regional or international organizations of which those nations are members to assist those nations in qualifying for certification under section 204(b)(1);

(2) undertake, where appropriate, cooperative research activities on species statistics and improved harvesting techniques, with those nations or organizations;

(3) encourage and facilitate the transfer of appropriate technology to those nations or organizations to assist those nations in qualifying for certification under section 204(b)(1); and

(4) provide assistance to those nations or organizations in designing and implementing appropriate shark harvesting plans.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Resumed

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENTS NOS. 3740 THROUGH 3757, AND NO. 3624, EN BLOC

Mr. WARNER. Mr. President, the distinguished colleague, Mr. LEVIN, and I have been working with our leadership, and we now have cleared amendments.

I send a series of amendments to the desk which have been cleared by the ranking member and myself. Therefore, I ask unanimous consent that the Senate consider those amendments en bloc, the amendments be agreed to, the motions to reconsider be laid upon the table, and, finally, that any statements relating to any of these individual amendments be printed in the RECORD.

Mr. LEVIN. Mr. President, we have no objection to this package. We support it.

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

The amendments (Nos. 3740 through 3757, and No. 3624) were agreed to en bloc, as follows:

AMENDMENT NO. 3740

(Purpose: To set aside funds for the industrial mobilization capacity at Army ammunition facilities and arsenals that are government owned, government operated)

On page 58, between lines 7 and 8, insert the following:

SEC. 313. INDUSTRIAL MOBILIZATION CAPACITY AT GOVERNMENT-OWNED, GOVERNMENT-OPERATED ARMY AMMUNITION FACILITIES AND ARSENALS.

Of the amount authorized to be appropriated under section 301(1), $51,280,000 shall be available for funding the industrial mobilization capacity at Army ammunition facilities and arsenals that are government owned, government operated.

AMENDMENT NO. 3741

(Purpose: To express the Sense of the Senate on the modernization of Air National Guard F–16A units)

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE RESOLUTION ON THE MODERNIZATION OF AIR NATIONAL GUARD F–16A UNITS

(a) FINDINGS.—Congress finds that—

(1) Certain U.S. Air Force Air National Guard fighter units are flying some of the world's oldest and least capable F–16A aircraft which are approaching the end of their service lives.

(2) The aircraft are generally incompatible with those flown by the active force and therefore cannot be effectively deployed to theaters of operation to support contingencies and to relieve the high operations tempo of active duty units.

(3) The Air Force has specified no plans to replace these obsolescent aircraft before the year 2007 at the earliest.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings—

(1) The Air Force should, by February 1, 2001, provide Congress with a plan to modernize and upgrade the combat capabilities of those Air National Guard units that are now flying F–16As so they can deploy as part of Air Expeditionary Forces and assist in relieving the high operations tempo of active duty units.

AMENDMENT NO. 3742

(Purpose: To substitute a requirement for a report on the Department of Defense process for decisionmaking in cases of false claims)

Strike the matter proposed to be inserted and insert the following:

SEC. 1061. DEPARTMENT OF DEFENSE PROCESS FOR DECISIONMAKING IN CASES OF FALSE CLAIMS.

Not later than February 1, 2001, the Secretary of Defense shall submit to Congress a report describing the policies and procedures for Department of Defense decisionmaking on issues arising under sections 3729 through 3733 of title 31, United States Code, in cases of claims submitted to the Department of Defense that are suspected or alleged to be false. The report shall include a discussion of any changes that have been made in the policies and procedures since January 1, 2000.

AMENDMENT NO. 3743

(Purpose: To modify the authority relating to the information security scholarship program)

On page 380, strike line 4 and all that follows through page 385, line 8, and insert the following:

SEC. 1042. INFORMATION SECURITY SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—(1) Part III of subtitle A of title 10, United States Code, is amended by adding at the end the following:

"CHAPTER 112—INFORMATION SECURITY SCHOLARSHIP PROGRAM

''Sec.
''2200. Programs; purpose.
''2200a. Scholarship program.
''2200b. Grant program.
''2200c. Centers of Academic Excellence in Information Assurance Education.
''2200d. Regulations.
''2200e. Definitions.
''2200f. Inapplicability to Coast Guard.

"§ 2200. Programs; purpose

''(a) IN GENERAL.—To encourage the recruitment and retention of Department of Defense personnel who have the computer and network security skills necessary to meet Department of Defense information assurance requirements, the Secretary of Defense may carry out programs in accordance with this chapter to provide financial support for education in disciplines relevant to those requirements at institutions of higher education.

''(b) TYPES OF PROGRAMS.—The programs authorized under this chapter are as follows:

''(1) Scholarships for pursuit of programs of education in information assurance at institutions of higher education.

''(2) Grants to institutions of higher education.

"§ 2200a. Scholarship program

''(a) AUTHORITY.—The Secretary of Defense may, subject to subsection (g), provide financial assistance in accordance with this section to a person pursuing a baccalaureate or advanced degree in an information assurance discipline referred to in section 2200(a) of this title at an institution of higher education who enters into an agreement with the Secretary as described in subsection (b).

''(b) SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.—(1) To receive financial assistance under this section—

''(A) a member of the armed forces shall enter into an agreement to serve on active duty in the member's armed force for the period of obligated service determined under paragraph (2);

''(B) an employee of the Department of Defense shall enter into an agreement to continue in the employment of the department for the period of obligated service determined under paragraph (2); and

''(C) a person not referred to in subparagraph (A) or (B) shall enter into an agreement—

''(i) to enlist or accept a commission in one of the armed forces and to serve on active duty in that armed force for the period of obligated service determined under paragraph (2); or

''(ii) to accept and continue employment in the Department of Defense for the period of obligated service determined under paragraph (2).

''(2) For the purposes of this subsection, the period of obligated service for a recipient of financial assistance under this section shall be the period determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for the financial assistance and otherwise to achieve the goals set forth in section 2200(a) of this title. In no event may the period of service required of a recipient be less than the period equal to ¾ of the total period of pursuit of a degree for which the Secretary agrees to provide the recipient with financial assistance under this section. The period of obligated service is in addition to any other period for which the recipient is obligated to serve on active duty or in the civil service, as the case may be.

''(3) An agreement entered into under this section by a person pursuing an academic degree shall include clauses that provide the following:

''(A) That the period of obligated service begins on a date after the award of the degree that is determined under the regulations prescribed under section 2200d of this title.

''(B) That the person will maintain satisfactory academic progress, as determined in accordance with those regulations, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the person under this section.

''(C) Any other terms and conditions that the Secretary of Defense determines appropriate for carrying out this section.

''(c) AMOUNT OF ASSISTANCE.—The amount of the financial assistance provided for a person under this section shall be the amount determined by the Secretary of Defense as being necessary to pay all educational expenses incurred by that person, including tuition, fees, cost of books, laboratory expenses, and expenses of room and board. The expenses paid, however, shall be limited to those educational expenses normally incurred by students at the institution of higher education involved.

''(d) USE OF ASSISTANCE FOR SUPPORT OF INTERNSHIPS.—The financial assistance for a person under this section may also be provided to support internship activities of the person at the Department of Defense in periods between the academic years leading to the degree for which assistance is provided the person under this section.

''(e) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) A person who voluntarily terminates service before the end of the period of obligated service required under an agreement entered into under subsection (b) shall refund to the United States an amount determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for financial assistance and otherwise to achieve the goals set forth in section 2200(a) of this title.

''(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) The Secretary of Defense may waive, in whole or in part, a refund required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

''(f) EFFECT OF DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under subsection (e).

''(g) ALLOCATION OF FUNDING.—Not less than 50 percent of the amount available for financial assistance under this section for a fiscal year shall be available only for providing financial assistance for the pursuit of degrees referred to in subsection (a) at institutions of higher education that have established, improved, or are administering programs of education in information assurance under the grant program established in section 2200b of this title, as determined by the Secretary of Defense.

"§ 2200b. Grant program

''(a) AUTHORITY.—The Secretary of Defense may provide grants of financial assistance to institutions of higher education to support the establishment, improvement, or administration of programs of education in information assurance disciplines referred to in section 2200(a) of this title.

''(b) PURPOSES.—The proceeds of grants under this section may be used by an institution of higher education for the following purposes:

''(1) Faculty development.

''(2) Curriculum development.

''(3) Laboratory improvements.

''(4) Faculty research in information security.

''§ 2200c. Centers of Academic Excellence in Information Assurance Education

''In the selection of a recipient for the award of a scholarship or grant under this chapter, consideration shall be given to whether—

''(1) in the case of a scholarship, the institution at which the recipient pursues a degree is a Center of Academic Excellence in Information Assurance Education; and

''(2) in the case of a grant, the recipient is a Center of Academic Excellence in Information Assurance Education.

''§ 2200d. Regulations

''The Secretary of Defense shall prescribe regulations for the administration of this chapter.

''§ 2200e. Definitions

''In this chapter:

''(1) The term 'information assurance' includes the following:

''(A) Computer security.

''(B) Network security.

''(C) Any other information technology that the Secretary of Defense considers related to information assurance.

''(2) The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(3) The term 'Center of Academic Excellence in Information Assurance Education' means an institution of higher education that is designated as a Center of Academic Excellence in Information Assurance Education by the Director of the National Security Agency.

''§ 2200f. Inapplicability to Coast Guard

''This chapter does not apply to the Coast Guard when it is not operating as a service in the Navy.''.

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part III of such subtitle are amended by inserting after the item relating to chapter 111 the following:

''112. Information Security Scholarship Program ..... 2200''.

(b) FUNDING.—Of the amount authorized to be appropriated under section 301(5), $20,000,000 shall be available for carrying out chapter 112 of title 10, United States Code (as added by subsection (a)).

(c) REPORT.—Not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a plan for implementing the programs under chapter 112 of title 10, United States Code.

AMENDMENT NO. 3744

(Purpose: To provide for adjustments in the threshold requirement for the submission of a reports on exports of computers to Tier III countries)

On page 610, between lines 13 and 14, insert the following:

SEC. 3178. ADJUSTMENT OF THRESHOLD REQUIREMENT FOR SUBMISSION OF REPORTS ON ADVANCED COMPUTER SALES TO TIER III FOREIGN COUNTRIES.

Section 3157 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2045) is amended by adding at the end the following:

''(e) ADJUSTMENT OF PERFORMANCE LEVELS.—Whenever a new composite theoretical performance level is established under section 1211(d), that level shall apply for purposes of subsection (a) of this section in lieu of the level set forth in subsection (a).''.

AMENDMENT NO. 3745

(Purpose: To add $18,900,000 for Defense-wide procurement for the procurement of probes for aerial refueling of, and for the procurement and integration of internal, auxiliary, 200-gallon fuel tanks for, MH–60 aircraft for the United States Special Operations Command; and to offset that increase by reducing by $18,900,000 the amount for the Army for other procurement for the family of medium tactical vehicles)

On page 18, line 4, strike ''$2,184,608,000'' and insert ''$2,203,508,000''.

On page 16, line 22, strike ''$4,068,570,000'' and insert ''$4,049,670,000''.

AMENDMENT NO. 3746

(Purpose: To increase the authorization of appropriation for the Army for RDT&E by $40,000,000 in order to fund the development and execution of the plan for comparing costs and operational effectiveness of medium armored combat vehicles; and to offset that amount by reducing the authorization of appropriation for the Air Force for RDT&E for the extended range cruise missile by $40,000,000)

On page 33, line 10, strike ''$5,461,946,000'' and insert ''$5,501,946,000''.

On page 33, line 12, strike ''$13,927,836,000'' and insert ''$13,887,836,000''.

On page 48, between lines 20 and 21, insert the following:

SEC. 222. FUNDING FOR COMPARISONS OF MEDIUM ARMORED COMBAT VEHICLES.

Of the amount authorized to be appropriated under section 201(1), $40,000,000 shall be available for the advanced tank armament system program for the development and execution of the plan for comparing costs and operational effectiveness of medium armored combat vehicles required under section 112(b).

AMENDMENT NO. 3747

(Purpose: To provide a two-year extension in the authority to engage in commercial activities as security for intelligence collection activities)

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended in the second sentence by striking ''December 31, 2000'' and inserting ''December 31, 2002''.

AMENDMENT NO. 3748

(Purpose: To state the sense of Congress regarding land transfers at Melrose Range, New Mexico, and Yakima Training Center, Washington)

On page 546, after line 13, add the following:

SEC. 2882. SENSE OF CONGRESS REGARDING LAND TRANSFERS AT MELROSE RANGE, NEW MEXICO, AND YAKIMA TRAINING CENTER, WASHINGTON.

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of the Air Force seeks the transfer of 6,713 acres of public domain land within the Melrose Range, New Mexico, from the Department of the Interior to the Department of the Air Force for the continued use of these lands as a military range.

(2) The Secretary of the Army seeks the transfer of 6,640 acres of public domain land within the Yakima Training Center, Washington, from the Department of the Interior to the Department of the Army for military training purposes.

(3) The transfers provide the Department of the Air Force and the Department of the Army with complete land management control of these public domain lands to allow for effective land management, minimize safety concerns, and ensure meaningful training.

(4) The Department of the Interior concurs with the land transfers at Melrose Range and Yakima Training Center.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the land transfers at Melrose Range, New Mexico, and Yakima Training Center, Washington, will support military training, safety, and land management concerns on the lands subject to transfer.

AMENDMENT NO. 3749

(Purpose: To provide for the construction of an operations office complex for the National Nuclear Security Administration)

On page 586, following line 20, add the following:

SEC. 3138. CONSTRUCTION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION OPERATIONS OFFICE COMPLEX.

(a) AUTHORITY FOR DESIGN AND CONSTRUCTION.—Subject to subsection (b), the Administrator of the National Nuclear Security Administration may provide for the design and construction of a new operations office complex for the National Nuclear Security Administration in accordance with the feasibility study regarding such operations office complex conducted under the National Defense Authorization Act for Fiscal Year 2000.

(b) LIMITATION.—The Administrator may not exercise the authority in subsection (a) until the later of—

(1) 30 days after the date on which the plan required by section 3135(a) is submitted to the Committees on Armed Services of the Senate and House of Representatives under that section; or

(2) the date on which the Administrator certifies to Congress that the design and construction of the complex in accordance with the feasibility study is consistent with the plan required by section 3135(a).

(c) BASIS OF AUTHORITY.—The design and construction of the operations office complex authorized by subsection (a) shall be carried out through one or more energy savings performance contracts (ESPC) entered into under this section and in accordance with the provisions of title VIII of the National Energy Policy Conservation Act (42 U.S.C. 8287 et seq.).

(d) PAYMENT OF COSTS.—Amounts for payments of costs associated with the construction of the operations office complex authorized by subsection (a) shall be derived from energy savings and ancillary operation and maintenance savings that result from the replacement of a current Department of Energy operations office complex (as identified in the feasibility study referred to in subsection (a)) with the operations office complex authorized by subsection (a).

AMENDMENT NO. 3750

(Purpose: To make available $400,000 for a conceptual design for a Subsurface Geosciences Laboratory at Idaho National Engineering Laboratory, Idaho Falls, Idaho)

On page 603, between lines 18 and 19, insert the following:

SEC. . CONCEPTUAL DESIGN FOR SUBSURFACE GEOSCIENCES LABORATORY AT IDAHO NATIONAL ENGINEERING AND ENVIRONMENTAL LABORATORY, IDAHO FALLS, IDAHO.

(a) AUTHORIZATION.—Of the amounts authorized to be appropriated by paragraphs (2) and (3) of section 3102(a), not more than $400,000 shall be available to the Secretary of Energy for purposes of carrying out a conceptual design for a Subsurface Geosciences

Laboratory at Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho.

(b) LIMITATION.—None of the funds authorized to be appropriated by section (a) may be obligated until 60 days after the Secretary submits the report required by section (c).

(c) REPORT.—The Secretary of Energy shall submit to the congressional defense committees a report on the proposed Subsurface Geosciences Laboratory, including the following:

(1) The need to conduct mesoscale experiments to meet long-term clean-up requirements at Department of Energy sites.

(2) The possibility of utilizing or modifying an existing structure or facility to house a new mesoscale experimental capability.

(3) The estimated construction cost of the facility.

(4) The estimated annual operating cost of the facility.

(5) How the facility will utilize, integrate, and support the technical expertise, capabilities, and requirements at other Department of Energy and non-Department of Energy facilities.

(6) An analysis of costs, savings, and benefits which are unique to the Idaho National Engineering and Environmental Laboratory.

Mr. CRAPO. Mr. President, I rise today to offer an amendment to the Fiscal Year 2001 Defense Authorization Act to authorize the conceptual design of a Subsurface Geoscience Laboratory at the Idaho National Engineering and Environmental Laboratory. As many of my colleagues know, money for environmental cleanup is in short supply. The options for addressing cleanup funding shortfalls are limited to taking funds from other programs to support environmental cleanup, not doing the cleanup, or putting money into research, development, science, and technology to make environmental cleanup cheaper and more efficient. This amendment and the Subsurface Geoscience Laboratory addresses the latter of these options.

The Subsurface Geoscience Laboratory would be located at the INEEL which, as the load laboratory for the Environmental Management program within DOE, is the natural location for this facility. In addition, the capabilities and core competencies of the INEEL are a good fit with the subsurface science needs of the nation. I say the nation because, although this facility would be located in Idaho, the solution developed would be applicable to DOE sites across the nation. The solutions developed would also be applicable outside of the DOE, in fact, anywhere environmental contaminants threaten subsurface water supplies. The $400,000 authorized by this amendment for conceptual design of the Subsurface Geoscience Laboratory is an important first step to developing the scientific and technical tools needed to solve environmental cleanup problems. I urge my colleagues to support this amendment.

AMENDMENT NO. 3751

(Purpose: To assist the economic development of the Ute Indian Tribe by authorizing the transfer to the Tribe of Oil Shale Reserve Numbered 2, to protect the Colorado River by providing for the removal of the tailings from the Atlas uranium milling site near Moab, Utah, and for other purposes)

(The amendment is printed in Today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 3752

(Purpose: To add funds for the procurement of the anti-personnel obstacle breaching system; and to provide an offset)

On page 17, line 17, strike "$496,749,000" and insert "$500,749,000".

On page 31, between lines 18 and 19, insert the following:

SEC. 126. ANTI-PERSONNEL OBSTACLE BREACHING SYSTEM.

Of the total amount authorized to be appropriated under section 102(c), $4,000,000 is available only for the procurement of the anti-personnel obstacle breaching system.

On page 54, line 16, strike "$11,973,569,000" and insert "$11,969,569,000".

AMENDMENT NO. 3753

(Purpose: To authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards)

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. FIREFIGHTER INVESTMENT AND RESPONSE ENHANCEMENT.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"SEC. 33. FIREFIGHTER INVESTMENT AND RESPONSE ENHANCEMENT.

"(a) DEFINITION OF FIREFIGHTING PERSONNEL.—In this section, the term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

"(b) ASSISTANCE PROGRAM.—

"(1) AUTHORITY.—In accordance with this section, the Director may—

"(A) make grants on a competitive basis to fire departments for the purpose of protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards; and

"(B) provide assistance for fire prevention programs in accordance with paragraph (4).

"(2) ESTABLISHMENT OF OFFICE FOR ADMINISTRATION OF ASSISTANCE.—Before providing assistance under paragraph (1), the Director shall establish an office in the Federal Emergency Management Agency that shall have the duties of establishing specific criteria for the selection of recipients of the assistance, and administering the assistance, under this section.

"(3) USE OF FIRE DEPARTMENT GRANT FUNDS.—The Director may make a grant under paragraph (1)(A) only if the applicant for the grant agrees to use the grant funds—

"(A) to hire additional firefighting personnel;

"(B) to train firefighting personnel in firefighting, emergency response, arson prevention and detection, or the handling of hazardous materials, or to train firefighting personnel to provide any of the training described in this subparagraph;

"(C) to fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies;

"(D) to certify fire inspectors;

"(E) to establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel can carry out their duties;

"(F) to fund emergency medical services provided by fire departments;

"(G) to acquire additional firefighting vehicles, including fire trucks;

"(H) to acquire additional firefighting equipment, including equipment for communications and monitoring;

"(I) to acquire personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration, and other personal protective equipment for firefighting personnel;

"(J) to modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel;

"(K) to enforce fire codes;

"(L) to fund fire prevention programs; or

"(M) to educate the public about arson prevention and detection.

"(4) FIRE PREVENTION PROGRAMS.—

"(A) IN GENERAL.—For each fiscal year, the Director shall use not less than 10 percent of the funds made available under subsection (c)—

"(i) to make grants to fire departments for the purpose described in paragraph (3)(L); and

"(ii) to make grants to, or enter into contracts or cooperative agreements with, national, State, local, or community organizations that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities, for the purpose of carrying out fire prevention programs.

"(B) PRIORITY.—In selecting organizations described in subparagraph (A)(ii) to receive assistance under this paragraph, the Director shall give priority to organizations that focus on prevention of injuries to children from fire.

"(5) APPLICATION.—The Director may provide assistance to a fire department or organization under this subsection only if the fire department or organization seeking the assistance submits to the Director an application in such form and containing such information as the Director may require.

"(6) MATCHING REQUIREMENT.—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to match with an equal amount of non-Federal funds 10 percent of the assistance received under this subsection for any fiscal year.

"(7) MAINTENANCE OF EXPENDITURES—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to maintain in the fiscal year for which the assistance will be received the applicant's aggregate expenditures for the uses described in paragraph (3) or (4) at or above the average level of such expenditures in the 2 fiscal years preceding the fiscal year for which the assistance will be received.

"(8) REPORT TO THE DIRECTOR.—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to submit to the Director a report, including a description of how the assistance was used, with respect to each fiscal year for which the assistance was received.

"(9) VARIETY OF FIRE DEPARTMENT GRANT RECIPIENTS.—The Director shall ensure that grants under paragraph (1)(A) for a fiscal year are made to a variety of fire departments, including, to the extent that there are eligible applicants—

"(A) paid, volunteer, and combination fire departments;

"(B) fire departments located in communities of varying sizes; and

"(C) fire departments located in urban, suburban, and rural communities.

''(10) LIMITATION ON EXPENDITURES FOR FIREFIGHTING VEHICLES.—The Director shall ensure that not more than 25 percent of the assistance made available under this subsection for a fiscal year is used for the use described in paragraph (3)(G).

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Director—

''(A) $100,000,000 for fiscal year 2001;

''(B) $200,000,000 for fiscal year 2002;

''(C) $400,000,000 for fiscal year 2003;

''(D) $600,000,000 for fiscal year 2004;

''(E) $800,000,000 for fiscal year 2005; and

''(F) $1,000,000,000 for fiscal year 2006.

''(2) LIMITATION ON ADMINISTRATIVE COSTS.—Of the amounts made available under paragraph (1) for a fiscal year, the Director may use not more than 10 percent for the administrative costs of carrying out this section.''.

AMENDMENT NO. 3754

(Purpose: To increase the amount available for close-in weapon system overhauls by $10,000,000)

On page 58, between lines 7 and 8, insert the following:

SEC. 313. CLOSE-IN WEAPON SYSTEM OVERHAULS.

Of the total amount authorized to be appropriated by section 301(2), $391,806,000 is available for weapons maintenance.

The total amount authorized to be appropriated by section 301(5) for spectrum data base upgrades is reduced by $10 million.

AMENDMENT NO. 3755

(Purpose: To make available, with an offset, $150,000,000 for additional cleanup activities at the Hanford Nuclear Reservation, Richland, Washington)

On page 556, line 24, strike ''$5,501,824,000'' and insert ''$5,651,824,000''.

On page 559, line 8, strike ''$3,028,457,000'' and insert ''$3,178,457,000''.

On page 559, line 11, strike ''$2,533,725,000'' and insert ''$2,683,725,000''.

On page 564, line 8, strike ''$540,092,000'' and insert ''$390,092,000''.

On page 564, line 13, strike ''$450,000,000'' and insert ''$300,000,000''.

On page 603, between lines 18 and 19, insert the following:

SEC. 3156. TANK WASTE REMEDIATION SYSTEM, HANFORD RESERVATION, RICHLAND, WASHINGTON.

(a) FUNDS AVAILABLE.—Of the amount authorized to be appropriated by section 3102, $150,000,000 shall be available to carry out an accelerated cleanup and waste management program at the Department of Energy Hanford Site in Richland, Washington.

(b) REPORT.—Not later than December 15, 2000, the Secretary of Energy shall submit to Congress a report on the Tank Waste Remediation System Project at the Hanford Site. The report shall include the following:

(1) A proposed plan for processing and stabilizing all nuclear waste located in the Hanford Tank Farm.

(2) A proposed schedule for carrying out the plan.

(3) The total estimated cost of carrying out the plan.

(4) A description of any alternative options to the proposed plan and a description of the costs and benefits of each such option.

AMENDMENT NO. 3756

(Purpose: To increase funds for the national ignition facility (NIF) at Lawrence Livermore National Laboratory, Livermore, California)

On page 547, line 16, strike ''$6,214,835,000'' and insert ''$6,289,835,000''.

On page 547, line 19, strike $4,672,800,000'' and insert ''$4,747,800,000''.

On page 547, line 24, strike ''$3,887,383,000'' and insert ''$3,822,383,000''.

On page 548, line 3, strike ''$1,496,982,000'' and insert ''$1,471,982,000''.

On page 548, line 5, strike ''$1,547,798,000'' and insert ''$1,507,798,000''.

On page 549, line 2, strike ''$448,173,000'' and insert ''$588,173,000''.

On page 552, line 7, strike ''$74,100,000'' and insert ''$214,100,000''.

On page 560, line 23, strike ''$141,317,000'' and insert ''$216,317,000''.

On page 603, between lines 18 and 19, insert the following:

SEC. 3156. REPORT ON NATIONAL IGNITION FACILITY, LAWRENCE LIVERMORE NATIONAL LABORATORY, LIVERMORE, CALIFORNIA.

(a) NEW BASELINE.—(1) Not more than 50 percent of the funds available for the national ignition facility (Project 96–D–111) may be obligated or expended until the Secretary of Energy submits to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a new baseline plan for the completion of the national ignition facility.

(2) The report shall include a detailed, year-by-year breakdown of the funding required for completion of the facility, as well as projected dates for the completion of program milestones, including the date on which the first laser beams are expected to become operational.

(b) COMPTROLLER GENERAL REVIEW OF NIF PROGRAM.—(1) The Comptroller General shall conduct a thorough review of the national ignition facility program.

(2) Not later than March 31, 2001, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the review conducted under paragraph (1). The report shall include—

(A) an analysis of—

(i) the relationship of the national ignition facility program to other key components of the Stockpile Stewardship Program; and

(ii) the potential impact of delays in the national ignition facility program, and of a failure to complete key program objectives of the program, on the other key components of the Stockpile Stewardship Program, such as the Advanced Strategic Computing Initiative Program;

(B) a detailed description and analysis of the funds spent as of the date of the report on the national ignition facility program; and

(C) an assessment whether Lawrence Livermore National Laboratory has established a new baseline plan for the national ignition facility program with clear goals and achievable milestones for that program.

AMENDMENT NO. 3755

At the appropriate place, insert the following:

SEC. . BREAST CANCER STAMP EXTENSION.

Section 414(g) of title 39, United States Code, is amended by striking ''2-year'' and inserting ''4-year''.

AMENDMENT NO. 3657

(Purpose: Relating to the greenbelt at Fallon Naval Air Station, Nevada)

On page 546, after line 13, add the following:

SEC. 2882. ACTIVITIES RELATING TO THE GREENBELT AT FALLON NAVAL AIR STATION, NEVADA.

(a) IN GENERAL.—The Secretary of the Navy shall, in consultation with the Secretary of the Army acting through the Chief of Engineers, carry out appropriate activities after examination of the potential environmental and flight safety ramifications for irrigation that has been eliminated, or will be eliminated, for the greenbelt at Fallon Naval Air Station, Nevada. Any activities carried out under the preceding sentence shall be consistent with aircrew safety at Fallon Naval Air Station.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for operation and maintenance for the Navy such sums as may be necessary to carry out the activities required by subsection (a).

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

STRATEGIC NUCLEAR WEAPONS POLICY

Mr. KERREY. Mr. President, a few weeks ago the Senate convened a joint meeting between Democrats and Republicans to receive a classified nuclear briefing from the Department of Defense. The purpose of this bipartisan meeting was for the members of the Senate to get a better understanding of our strategic nuclear weapons policy.

Our briefers, which included Admiral Richard Mies, Commander of STRATCOM, had been invited to the Senate to explain the details of the Single Integrated Operational Plan—or SIOP. The SIOP is the highly-classified nuclear blueprint of targets and targeting assignments for our strategic nuclear weapons arsenal, and is the driving force behind our strategic nuclear force levels. While the SIOP is a military document, it is based on guidance given to the Department of Defense by the President.

As elected representatives of the people, and with a Constitutional role in determining national security policy, Congress should have an understanding of the principles underpinning our nuclear policy. Both the guidance provided by the President and the details of the SIOP are necessary for us to make informed national security decisions.

With this in mind, we gathered in an interior room in the Capitol to get a full briefing on the SIOP. But when we asked the DoD briefers precise questions about the SIOP, we did not get the information we were seeking. The briefers were unable, or unwilling, to give us the kind of specific information about our nuclear forces and plans we need to make the decisions required as elected representatives of the people.

In fact, when asked for detailed targeting information we were given three different answers. First, we were told that they did not bring that kind of information. Then, we were told there were people in the room who were not cleared to receive that kind of information. Finally, we were told that kind of information is only provided to the Senate leadership and members of the Armed Services Committee. Because members of the leadership and the Senate Armed Services Committee indicated they had never received such information, I can only surmise there must be a fourth answer.

We find ourselves in an uncomfortable and counter-productive Catch-22. Until we as civilians provide better guidance to our military leaders, we are unlikely to affect the kind of changes needed to update our nuclear policies to reflect the realities of the post-cold-war world. Yet, providing improved guidance is difficult when we are unable to learn the basic components of the SIOP. Given this, I followed up our meeting with a letter to Senate Minority Leader Tom DASCHLE requesting that he schedule another briefing so that we could get the information our first briefers would not provide.

While I still believe this briefing is needed, we need not wait for a briefing on the details of the SIOP to answer the question of how many nuclear weapons are needed to deter potential aggressors. In truth, it is important for citizens, armed only with common sense and open-source information, to reach sound conclusions about our nuclear posture and force levels.

To illustrate, we should ask experts to describe the deterrent capability of a single Trident submarine—our most survivable and reliable delivery platform. Within an hour of receiving an order to launch, a Trident could deliver and detonate 192 nuclear weapons on their targets. The minimum size of the detonations would 100 kilotons; the maximum would be 300 kilotons. By comparison, the Hiroshima detonation that caused Japan to sue for unconditional peace in August 1945 was only 15 kilotons. In the open, we should assess what damage 192 of these weapons would cause and determine whether this would deter most, if not all of the threats we face.

Mr. President, I have made no secret of my strongly-held belief that we can and we should make dramatic reductions in our strategic nuclear arsenals. I believe that by keeping such a large arsenal of strategic nuclear weapons we are decreasing rather than enhancing our security. By keeping such a large arsenal we are forcing the Russians to keep more weapons than they can safely control. By keeping such a large arsenal we are increasing the chance of accidental or unauthorized launch. By keeping such a large arsenal we are increasing the likelihood of the proliferation of these weapons. By keeping such a large arsenal we are encouraging nations like India, Pakistan, Iran, and North Korea to pursue a nuclear weapons option. And finally, by keeping such a large arsenal we are diverting budgetary resources away from our conventional forces—the forces that are vital to protecting our interests around the globe.

In the near future, I will return to the Senate floor to discuss this issue further. I will return with non-classified information—information that comes not from briefings in secret rooms, but information all citizens can access through a simple search on Yahoo—in an attempt to better understand our nuclear policy and the changing definition of deterrence in the post-Cold War world.

I yield the floor, and 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. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. Mr. President, I do have some Executive Calendar matters and other unanimous consent agreements that have already been worked out. I will proceed to those. However, I do note I want to offer a unanimous consent request with regard to the estate tax matter. I want the Democratic leader to be here when I make that request. I am hoping within the next few minutes we will also be able to conclude an agreement with regard to the Department of Defense authorization bill. Discussions are still underway, but I thought I would take advantage of this time.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 567 through 570. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Paul C. Huck, of Florida, to be United States District Judge for the Southern District of Florida, vice Kenneth L. Ryskamp, retired.

John W. Darrah, of Illinois, to be United States District Judge for the Northern District of Illinois, vice George M. Marovich, retired.

Joan Humphrey Lefkow, of Illinois, to be United States District Judge for the Northern District of Illinois, vice Ann C. Williams, elevated.

George Z. Singal, of Maine, to be United States District Judge for the District of Maine, vice Morton A. Brody, deceased.

CONFIRMATION OF GEORGE SINGAL

Ms. SNOWE. Mr. President, I am pleased that the Senate has confirmed George Singal, the President's nominee for a seat on the U.S. District Court for the District of Maine, and rise to express my strong unequivocal support for his nomination.

In advance, I would like to thank the Chairman of the Judiciary Committee, Senator HATCH, for proceeding so expeditiously on Mr. Singal's nomination—especially when considering his nomination was transmitted to the Senate just six weeks ago. In addition, I would like to thank the Majority Leader for bringing his nomination to the floor so rapidly—just three days after being reported by the Judiciary Committee.

George Singal immigrated along with his family to the United States at a very young age, and has become a living embodiment of the American dream. He possesses a superior legal mind, has distinguished himself within the legal profession, and is deeply committed to upholding the very highest standards of our nation's judicial system.

Moreover, Mr. Singal has a wide range of experience serving as both a prosecutor and as a defense attorney—a deep understanding and appreciation for the constitutionally mandated roles of the three branches of government—and the enormous respect of his colleagues, a number of whom have contacted me in support of his nomination. Finally, and just as telling, he enjoys bipartisan support across the State of Maine.

Consider what George's background says about his character and qualifications. Born in a refugee camp in Italy after his family fled before the German invasion of his native Poland, he arrived in Bangor along with his sister and widowed mother in 1949.

After graduating summa cum laude from my alma mater, the University of Maine in 1967, and becoming only the second recipient of the highly respected Root-Tilden Scholarship in the history of the university, George briefly left our state to receive his law degree from Harvard University three years later.

Indeed, not one to forget his roots, George immediately returned to Maine to begin his legal career in Bangor, serving as the Assistant County Attorney for Penobscot County from 1971 to 1973, even as he worked his way to a partnership in the respected law firm of Gross, Minsky, Mogul, & Singal—the firm in which he has remained to this day.

Having served on a wide variety of professional committees—including the advisory committee for the District of Maine that was assembled pursuant to the Civil Justice Reform Act—George's impeccable credentials and reputation for impartiality led to his appointment in 1993 to the Governor's Judicial Selection Committee by my husband, Governor McKernan.

That appointment, and the fact that he now chairs this prestigious committee that assists in the appointment of judges across the state under Independent Governor Angus King, is why it's a special pleasure for me to speak on his behalf today.

Of note, the enthusiastic support George has received from both sides of the aisle in Maine speaks volumes about Mr. Singal's talents and work ethic, as well as the universal respect he has earned over his years of work in the Maine judicial system.

Throughout his career, Mr. Singal displayed remarkable legal acumen, thanks in large part to his thorough, reflective and balanced approach to his work. This approach has justifiably earned him accolades throughout his career, including his selection to the American College of Trial Lawyers—an award given to less than one percent of trial lawyers nationwide—and his naming to the Best Lawyers in America, a designation that is made by his colleagues in the legal profession.

Mr. Singal possesses precisely the kind of judicial temperament and experience I think we should expect from all our judicial nominees. I am certain this is due, in no small part, to his family's background and the perseverance and work ethic they instilled in him as an immigrant brought to the United States by the ravages of World War II.

Further, his work during the late-1960s in the office of then-Congressman Bill Hathaway undoubtedly impressed upon him the need for balance between the three branches of government. In fact, it is his broad range of experiences that has undoubtedly instilled in Mr. Singal a proper perspective on the appropriate role and appropriate constitutional limitations of each branch of our government.

Clearly, George Singal has not only the professional qualifications to serve us well on the federal circuit, but also the personal credentials to match.

My work with George over the past few weeks has only confirmed what I had already heard—this is a man of the highest integrity and personal character.

In conclusion, I am most proud to be able to express my support for Mr. George Singal. He has the qualifications, the intellect, the experience, the perspective, and the integrity to be an outstanding judge. Accordingly, I am pleased that my colleagues support his confirmation to the U.S. District Court for the District of Maine.

LEGISLATIVE SESSION

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

MEASURE INDEFINITELY POSTPONED—S. 2553

Mr. LOTT. Mr. President, I ask unanimous consent that S. 2553 be indefinitely postponed.

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

ORDER FOR COMMITTEES TO FILE LEGISLATIVE MATTERS

Mr. LOTT. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, committees have from 11 a.m. until 1 p.m. on Wednesday, July 5, in order to file legislative matters.

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

EXPRESSING SENSE OF CONGRESS REGARDING VALUE OF EDUCATION IN U.S. HISTORY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 129, submitted earlier today by Senators LIEBERMAN, SMITH of Oregon, CLELAND, and others.

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

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 129) expressing the sense of Congress regarding the importance and value of education in United States history.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the concurrent resolution and the preamble be agreed to, en bloc, 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 concurrent resolution (S. Con. Res. 129) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 129

Whereas basic knowledge of United States history is essential to full and informed participation in civic life and to the larger vibrancy of the American experiment in self-government;

Whereas basic knowledge of the past serves as a civic glue, binding together a diverse people into a single Nation with a common purpose;

Whereas citizens who lack knowledge of United States history will also lack an understanding and appreciation of the democratic principles that define and sustain the Nation as a free people, such as liberty, justice, tolerance, government by the consent of the governed, and equality under the law;

Whereas a recent Roper survey done for the American Council of Trustees and Alumni reveals that the next generation of American leaders and citizens is in danger of losing America's civic memory;

Whereas the Roper survey found that 81 percent of seniors at elite colleges and universities could not answer basic high school level questions concerning United States history, that scarcely more than half knew general information about American democracy and the Constitution, and that only 22 percent could identify the source of the most famous line of the Gettysburg Address;

Whereas many of the Nation's colleges and universities no longer require United States history as a prerequisite to graduation, including 100 percent of the top institutions of higher education;

Whereas 78 percent of the Nation's top colleges and universities no longer require the study of any form of history;

Whereas America's colleges and universities are leading bellwethers of national priorities and values, setting standards for the whole of the United States' education system and sending signals to students, teachers, parents, and public schools about what every educated citizen in a democracy must know;

Whereas many of America's most distinguished historians and intellectuals have expressed alarm about the growing historical illiteracy of college and university graduates and the consequences for the Nation; and

Whereas the distinguished historians and intellectuals fear that without a common civic memory and a common understanding of the remarkable individuals, events, and ideals that have shaped the Nation, people in the United States risk losing much of what it means to be an American, as well as the ability to fulfill the fundamental responsibilities of citizens in a democracy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the historical illiteracy of America's college and university graduates is a serious problem that should be addressed by the Nation's higher education community;

(2) boards of trustees and administrators at institutions of higher education in the United States should review their curricula and add requirements in United States history;

(3) State officials responsible for higher education should review public college and university curricula in their States and promote requirements in United States history;

(4) parents should encourage their children to select institutions of higher education with substantial history requirements and students should take courses in United States history whether required or not; and

(5) history teachers and educators at all levels should redouble their efforts to bolster the knowledge of United States history among students of all ages and to restore the vitality of America's civic memory.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. LOTT. I will be happy to yield.

Mr. BYRD. Mr. President, parliamentary inquiry. Is my name on the matter that was just acted on?

The PRESIDING OFFICER. It is.

Mr. BYRD. I thank the Chair.

ELECTRIC RELIABILITY 2000 ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 642, S. 2071.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2071) to benefit electricity consumers by promoting the reliability of the bulk-power system.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources with an amendment, as follows:

(The amendment will be printed in a future edition of the RECORD.)

Mr. GORTON. Mr. President, today I urge the Senate to unanimously adopt S. 2071, my bill also known as ''the Electric Reliability 2000 Act.'' The bill consists of a striking amendment adopted in the Energy Committee and sponsored by Senators MURKOWSKI, BINGAMAN, and myself. It includes the original legislation and compromise language that addresses the concerns of the States on this issue.

We should be pro-active in addressing electricity reliability, and S. 2071 is the correct approach at this time. The language has been endorsed by all of the major groups associated with the electricity industry, including investor-owned utilities, public power, rural cooperatives, states groups, reliability groups, power producers, and consumer organizations. Not only does this bill provide a long-term solution to electricity reliability by creating a national reliability organization—modeled loosely on the Securities and Exchange Commission—it will give the Federal Energy Regulatory Commission immediate authority to prevent blackouts this summer.

Enacting S. 2071 is critical for all electricity consumers in the United States. This Nation's interstate electric transmission system is an extremely complex network that connects with Canada and Mexico. It developed over decades with various voluntary agreements that allow areas to work together depending on changing power needs that vary from minute to minute. Yet a fundamental change has made this voluntary system unworkable. The system of buying and selling wholesale power is now many times more complex than it was just a decade ago. With a stronger economy, electricity usage and its importance to the economy has increased. Due to the uncertain nature of evolving retail and wholesale electricity markets, many utilities have cut investment that traditionally enhanced the reliability of the nation's grid.

The fact is that the voluntary agreements just do not work any longer because there is no enforcement. With the beginning of competition, we need a referee on the bulk-power system. A multitude of studies and incidents over the past several years show that the Nation's reliability is at its lowest point in decades. Certain entities can ''game'' the transmission system—with potential of causing brownouts and blackouts within a region—and suffer no consequences for such actions. With continued extreme heat predicted for this summer, the problem will continue. Blackouts hit the San Francisco area and Detroit in the past month, and even the Northwest is facing shortages this summer.

As I said in February when I introduced this bill, reliability is more than creating legally-enforceable rules on the electricity transmission grid. It also includes cost-effective conservation and demand-side management. Reliability will be enhanced with open-access transmission policies and with more generation distributed throughout the grid, whether it is small fuel cells or larger plants with clean technology. Sending the right signals to the investment community will be aided by passage of a truly comprehensive bill next year that allows all regions of the country—including the Northwest—the ability to benefit from a truly open and competitive marketplace. All of these factors, along with S. 2071, contribute to electricity reliability.

The Electric Reliability 2000 Act is not a total solution to the electricity reliability problem in this nation, but it is a solid start. Enacting this legislation will have immediate benefits for American consumers and the economy of the United States.

Mr. MURKOWSKI. Mr. President, I rise in support of S. 2071.

S. 2071 will promote the reliability of our electric power grid.

I strongly support the enactment of this legislation, but there should be no misunderstanding that it does only part of the job of protecting consumers.

It establishes enforceable rules for the use of the interstate transmission grid, but it does not stimulate the construction of new generation and transmission.

New transmission and generation are essential if we are going to avoid electricity shortages this summer and in the future.

While it is too late to avoid the problems this summer, if we start now it is not too late for the future.

The best way to ensure that consumers have a reliable and reasonably-priced supply of electricity is through comprehensive legislation—which addresses other impediments to competition.

Along with provisions to stimulate construction of new generation and transmission, it is essential that we repeal both the Public Utility Holding Company Act, PUHCA, and the Public Utility Regulatory Policies Act, PURPA.

Both PUHCA and PURPA have long out-lived their usefulness, and they are now hurting both consumers and competition.

PUHCA prevents electric utilities and others from fully competing in the electric power market, and that hurts competition.

PUHCA is an archaic 65-year-old law that has long outlived its usefulness.

Sixty five years ago PUHCA was needed to protect consumers, but other laws and Federal agencies now fully protect consumers.

Thus, repeal of PUHCA would benefit consumers by enhancing competition without any loss of any needed consumer protections.

Legislation to repeal PUHCA is on the Senate Calendar, S. 313, Calendar No. 23, and I would urge that the Senate move to its consideration.

Turning now to PURPA, it also harms consumers, and thus deserves to be repealed.

PURPA makes electric utilities purchase power whether or not they need it, and to pay so-called ''full avoided cost'' for that power whether or not that price is above true market price.

And these costs are just passed on to consumers through higher electricity prices.

It is estimated that as a result of PURPA consumers are today paying $8 billion per year extra for their electricity.

I would have liked to bring to the floor comprehensive legislation, such as the bill which I introduced, S. 2098, but I could not reach agreement with my Democratic colleagues on the Committee.

As a result, we were able to report only this more limited measure to create rules of the road for our interstate electricity transmission grid.

I will now discuss the background and need for this legislation.

The Nation's interstate electric transmission grid is an extremely complex network that is also interconnected with the transmission grids of Canada and Mexico.

It has developed over decades with various voluntary agreements between utilities and others that allow areas to work together to respond to changing power needs that vary from day-to-day, hour-to-hour and even minute-to-minute.

Many of these voluntary agreements were developed after a disastrous event in 1965 that led to a major blackout in New York City and throughout other parts of the Northeast.

While this voluntary system has worked well for the past 35 years, fundamental changes in the electric power industry are making this voluntary system less workable for the future.

With the expansion of competition in the wholesale electric power market—starting with the 1992 Energy Policy Act—the system of buying and selling wholesale power is now many times more complex than it was less than a decade ago.

With a stronger economy, electricity usage has increased while thousands of new electricity marketers and buyers have created new stresses on the system.

Moreover, the emergence of competition in the wholesale power market has changed the ability and willingness of market participants to act voluntarily, particularly when it is not in their economic interest to do so.

As a result, the existing scheme of voluntary compliance with voluntary industry reliability rules is simply no longer adequate.

There has been a marked increase in the number and seriousness of violations of voluntary reliability rules.

Under a voluntary system, there is no penalty for violating a reliability standard.

The users and operators of the system, who used to cooperate voluntarily on reliability matters, are now competitors without the same incentives to cooperate with each other or comply with voluntary reliability rules.

For example, last summer during an extremely hot period one Midwest utility took without any penalty electric power from the grid that it was not entitled to.

It did so without even informing other utilities on the grid what it was doing.

This action came close to jeopardizing power reliability in several States.

This legislation will prevent that kind of inappropriate activity in the future.

In order to maintain grid reliability, rules must be made mandatory and enforceable, and fairly applied to all participants in the electricity market.

To address this need, more than a year ago a group of electricity industry officials began meeting to develop legislative language.

As a result of this effort, the North American Electric Reliability Council and a broad coalition of industry organizations have jointly proposed the language which is embodied in S. 2071.

The legislation is supported by virtually all aspects of the electric power industry, including: the American Public Power Association, the Edison Electric Institute, the Electric Power Supply Association, the Electricity Consumers Resource Council, the National Rural Electric Cooperative Association, and the Canadian Electricity Association.

The proposal follows the model of the Securities and Exchange Commission in its oversight of the securities industry's self-regulatory organizations—the stock exchanges and the National Association of Securities Dealers.

Let me now describe the key elements of S. 2071.

S. 2071 helps protect grid reliability by creating an industry-run, FERC overseen, organization that sets enforceable rules for the use of the interstate transmission grid.

It also has provisions to ensure that States have an appropriate role in promoting reliability.

S. 2071 authorizes the establishment of a self-regulating Electric Reliability Organization.

Both the establishment of the Electric Reliability Organization and the reliability rules it establishes are subject to approval and oversight by the FERC.

The legislation spells out specific criteria required for the new Electric Reliability Organization. In essence, the requirements are that the Organization be independent and fair.

The Electric Reliability Organization would establish, monitor and enforce compliance with reliability standards for the interstate bulk power system.

The legislation does not give the Electric Reliability Organization or any affiliated regional reliability entity any authority to build or to pay for the building of any transmission or other facility necessary for a bulk power user to comply with a reliability requirement.

The reliability standards established by the Electric Reliability Organization would be mandatory on all owners, users and operators of the interstate bulk power system.

The cost of complying with a reliability requirement is the responsibility of bulk power users, not the Electric Reliability Organization or any affiliated regional reliability entity.

The reliability standards only concern the operational security of the bulk power system. They do not deal with generation adequacy, reserve margins; distribution system reliability; safety; transmission siting; or retail customer choice plans.

Activities conducted in compliance with the statutory requirements receive a rebuttable presumption of compliance with the Federal antitrust laws.

Until the new Electric Reliability Organization is up and running, the existing North American Electric Reliability Council and its individual regional reliability councils may file with FERC those existing reliability standards they propose to be mandatory in the interim.

The Electric Reliability Organization may delegate authority to implement and enforce regional standards to an Affiliated Regional Reliability Entity, which can enforce reliability standards and take disciplinary action against system operators and users.

As I said before, the real way to prevent brownouts and blackouts is through comprehensive legislation that stimulates the construction of new generation and transmission.

This legislation will help, but much, much more needs to be done.

I urge my colleagues to support this legislation and to pass it without amendment.

Mr. SMITH of New Hampshire. Mr. President, I commend the chairman of the Committee on Energy and Natural Resources on this important piece of legislation. I believe that this legislation, and the electric reliability organizations created by this legislation, will significantly improve the reliability of our transmission system. I understand that a question has been raised, however, about the potential scope of authority of these electric reliability organizations and specifically their authority to waive environmental requirements. I would like to seek clarification of this issue. It is my understanding that nothing in this legislation in any way waives or modifies any environmental requirements, or exempts any facilities covered by the bill from any otherwise applicable federal or State environmental law or regulations, including the requirements of the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, the Endangered Species Act, or any other environmental law.

Mr. BAUCUS. Mr. President, I share the concerns that have been raised about the potential scope of authority of the electric reliability organizations and would also seek clarification on this point. It is my understanding that in addition to not diminishing or affecting any environmental obligations, this legislation does not authorize the electric reliability organizations to direct or authorize any covered facility to violate or disregard the requirements of any Federal or State environmental law or regulation.

Mr. MURKOWSKI. Mr. President, the chairman and ranking member of the Committee on Environment and Public Works are both correct that the legislation will not affect or modify any requirements of our important environmental laws or authorize the electric reliability organizations to waive or modify those requirements.

Mr. BINGAMAN. Mr. President, I concur with the clarification by the chairman.

Mr. SMITH of New Hampshire. I thank the chairman for this important clarification.

Mr. BAUCUS. I also thank the chairman for his clarification.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be agreed to.

The committee amendment in the nature of a substitute was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, 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. 2071), as amended, was read the third time and passed.

DEATH TAX ELIMINATION ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the estate tax repeal bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object. In fact, I should object. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that when the Senate considers the estate tax bill, it be considered under the following limitation: That the bill be limited to relevant amendments, with the following exemptions of the minority: estate taxes

and tuition tax deductibility; second, estate taxes and Medicare prescription drug benefit; third, estate taxes and long-term care tax credit; next, estate taxes and Medicare off budget; next, estate taxes and retirement savings tax incentives; and, finally, estate taxes and kid savings accounts; that all first-degree amendments be subject to relevant second-degree amendments, and that there be a time limitation of 1 hour for debate, equally divided in the usual form, on all amendments.

I also say, just taking another brief minute, that at least one of our Members believes it would be appropriate that we should not be able to bring this estate tax legislation forward until we dispose of the China PNTR legislation.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, Senator DASCHLE and I have been discussing this matter in the hope that we could work out an agreement as to how we could proceed. We had discussed the possibility of certainly a substitute being in order on the estate tax legislation. I believe the Senator from New York, Mr. MOYNIHAN, had a substitute, or others, perhaps, joining with him would have a substitute, and other related or germane amendments to that issue. We even offered the possibility of having two nongermane amendments on each side.

Our problem gets to be when you go to five or six—I don't know how many were included in that list.

Mr. REID. Six.

Mr. LOTT. Plus, if you have a substitute and then you have, let's just say, one or two related germane amendments, then you have five amendments on each side—that is 10 amendments—and even if we got a time agreement, you are talking about 12, or more, or 14 hours, which would be a minimum of 2 days.

The problem we have in July is that we now have completed six appropriations bills, meaning there are still seven we have to get done.

I hope that, at a minimum, we get five or six more done in July because they are very important bills that need to get completed so they can get in conference with the House, so they can be sent to the President, so hopefully he can sign them.

We are talking about Agriculture; Interior; Housing and Urban Development; Treasury-Postal Service; Commerce-State-Justice—these are big, important appropriations bills. We have all those we have to do in July—a 3-week period—plus we have to do the marriage penalty tax elimination.

I think there is an overwhelming desire to get that done, on both sides of the aisle, although we still disagree on how to get it done. But the Finance Committee has reported that out in a reconciliation bill. And there is a desire to do the China PNTR.

I know we don't have the time to set aside 2 whole days in the midst of all that for the death tax. If we could just agree to a substitute and germane amendments—this is a bill that passed the House overwhelmingly. Sixty-five Democrats voted for it. Members in the House, regardless of region or race or sex, voted for it. Why does the Senate need to get into all these other nonrelated matters?

But I understand there are Senators on the Democratic side who wish to have a debate and votes on these other matters. I believe they will probably have an opportunity to come up on other bills before the session is out. But that is why I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Will the Senator yield?

Mr. LOTT. Under my reservation, I yield to Senator REID.

Mr. REID. I say to my friend, I think what we have done these last 4 days shows we can move through things very quickly. There were over 150 amendments after we worked on the bill a couple days. So we probably resolved over 200 amendments in the Labor-HHS bill.

But I also say, in the short time I have been in the Senate, we have had some tax bills with hundreds of amendments and we have been able to work our way through those in some way.

As with the leader, we on this side of the aisle think there should be some change in the estate taxes. We want to do that. We are getting the same calls you are.

But I say to my friend, we would be willing to take time agreements on these amendments. I am certain we could finish the amendments in one good, long day. We would take time agreements on these amendments.

On tax bills that have traditionally been brought up in the Senate, we have not had any restrictions on them. We will agree to have some restrictions, but we think this would be appropriate.

We will be happy to have our staffs work on this during the break, and as soon as we get back, the two leaders can again talk about this. We do want to bring up the estate taxes.

Mr. BAUCUS addressed the Chair.

Mr. LOTT. Mr. President, if I may respond to that, just briefly.

After the good work that has been done, in a bipartisan way, this past week, and after having participated in the effort that was just made to complete action on the military construction appropriations conference report, it has restored my faith that anything is possible in the Senate. I hope we can continue to work to find a way to resolve this and get it considered other than through the cloture process. I am going to hold out hope until the very last minute that we can get that done.

So we will continue to work. Our staffs have been exchanging proposals, and we will continue to do that right up until the time we need to begin voting, which would be, I guess, Tuesday or Wednesday of the week we return.

Under my reservation, I yield to the Senator from Montana.

Mr. BAUCUS. I thank the majority leader very much. I assure him, as a member of the Finance Committee, we definitely plan to take up some form of estate tax reform. I don't know what version it would be, but clearly that has to pass this year.

In addition, however, I do believe there is one other matter that is even more important than estate tax reform, and that is PNTR for China. It far transcends appropriations bills, marriage penalty relief, bankruptcy reform. Getting PNTR passed in July, I think, is of such urgency and is so important that I am constrained to object to any unanimous consent request that sets the schedule for July unless it also includes a time when we are going to take up PNTR. I know the leader knows that is my view. I just hope that in working with the leader, we can work out some accommodation to reach that objective.

MOTION TO PROCEED—H.R. 8

CLOTURE MOTION

Mr. LOTT. Mr. President, in light of the objections—and I do object—I now move to proceed to H.R. 8 and send a cloture motion to the desk.

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

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 608, H.R. 8, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period:

Trent Lott, Bill Roth, Charles Grassley, Larry E. Craig, Chuck Hagel, Jeff Sessions, Pete Domenici, Strom Thurmond, Jon Kyl, Thad Cochran, Jim Bunning, Craig Thomas, Kay Bailey Hutchison, Susan M. Collins, Don Nickles, and Wayne Allard.

Mr. LOTT. Mr. President, this cloture vote will occur on Tuesday, July 11. I will notify all Members as to the time of the vote. In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I would say there is a strong possibility we may not need a vote on this motion to proceed.

Mr. LOTT. If I may respond, I hope we can work through that. I thought maybe that would be the case. I want to say, again, I am still hoping we can come to an agreement to have some limited number of amendments that would be offered. Then we would be able to vitiate this whole thing.

In view of the time in July, I felt I needed to go ahead and get the process moving. And we still would have that option right up until Tuesday when we come back.

Mr. REID. Under my reservation, Mr. President, I also say we have worked very closely with Senator BAUCUS and Senator MOYNIHAN in trying to come up with an alternative, and some other matters that we believe should be brought up with this piece of legislation.

For example, in 1992, under a tax bill that came before the Senate, we, on the 25th, started considering that. We had 105 amendments, and a day and a half later it was all done. That legislation was totally passed. We had a number of amendments that were even offered by our majority leader on that important legislation. There was a wide range of amendments offered dealing with dental schools, tractors, and all kinds of things.

So we can work out a way through this. I think the proposal by the minority that we take up six amendments, with time limits, is something the majority leader should take another look at.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

ORDERS FOR MONDAY, JULY 10, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. on Monday, July 10, under the provisions of S. Con. Res. 125. I further ask that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that then the Senate proceed to the consideration of H.R. 4578.

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

ORDER FOR RECORD TO REMAIN OPEN

Mr. LOTT. Further, I ask unanimous consent that the RECORD remain open until 3:30 p.m. today for the submission of statements.

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

PROGRAM

Mr. LOTT. For the information of all Senators, on Monday, July 10, the Senate will begin consideration of the Interior appropriations bill. We will be looking forward to having the Presiding Officer on the floor managing that important legislation. I am sure it will move expeditiously. Opening statements will be made and amendments will be offered during the day. Senators who intend to offer amendments are encouraged to contact the bill managers during the recess in preparation for consideration of the bill. Senators should be aware that the next rollcall vote will occur on Monday, July 10, at approximately 5:30 p.m.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the provisions of S. Con. Res. 125, following the remarks of Senators BYRD, WARNER, and LEVIN.

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

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. WARNER. Before our distinguished leader departs the floor—momentarily I will propound a unanimous consent request which takes us another step forward in the authorization bill for the Armed Forces—I wish to thank the distinguished leader and, indeed, the minority leader for their tireless assistance, and that of Senator REID, and of course, Senator LEVIN. They have enabled us to move this another important step forward. I thank them on that.

VITIATION OF THE ADOPTION OF AMENDMENT NOS. 3231 AND 3418

Mr. WARNER. Mr. President, I ask unanimous consent that the adoption of amendment Nos. 3231 and 3418 of the Defense authorization bill be vitiated.

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

Mr. WARNER. To explain this, these were two gold medals. Unintentionally, the proponents of those amendments did not recognize that the Banking Committee had an important role to play. Both proponents are now working with the chairman and ranking member of the Banking Committee. In the case of Senator CLELAND, he has over 68 signatures on a gold medal for the distinguished former NATO Supreme Allied Commander, General Clark, including the signature of the Senators from Virginia and from Michigan. That request has been granted?

The PRESIDING OFFICER. It has.

UNANIMOUS CONSENT AGREEMENT—S. 2549

Mr. WARNER. Mr. President, I ask unanimous consent that the only first-degree amendments remaining in order to the Department of Defense authorization bill, S. 2549, be limited to amendments that are relevant to the provisions of the bill and on the finite list of amendments in order to the bill, that these first-degree amendments be subject to relevant second-degree amendments, provided further that the first-degree amendments must be filed at the desk by close of business Friday, June 30, 2000.

I further ask unanimous consent that it be in order for the two managers to send to the desk any packages of amendments that are relevant and from the finite list of amendments in order to the bill and that these amendments be cleared by both managers of the legislation.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, we do not object. Quite the contrary; we thank the distinguished chairman of our committee and the leaders, both majority and minority, for their good work, and also Senator REID, who has worked so hard on this, and all the other Senators who have cooperated to make this unanimous consent agreement possible. I also thank Senator BYRD, who has been waiting very patiently, so we could dispose of this important measure.

Mr. WARNER. Mr. President, we thank Senator BYRD. He has been an integral part of these negotiations, together with Senator ROTH and others. I am hopeful that matter can be resolved in the future.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank my distinguished colleague, Senator LEVIN, who has worked with me throughout on this bill. For 22 years we have been together, and our respective chiefs of staff. It has been entirely separate, but we have achieved another milestone. Now it appears to me that we will be able to come to the Senate at a time convenient to our leadership and complete action on the annual Defense authorization bill. I believe this will be 42 consecutive times the Senate has passed this wide piece of legislation for the men and women in the Armed Forces and, indeed, the security of the Nation. I yield the floor.

Mr. LEVIN. Mr. President, I notice our staffs are smiling as well because this has been a big effort on their part. With all the years we have put in together, we will not be able to catch up to Senator BYRD, but we are going to keep using him as our role model.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the chairman and ranking member of the Armed Services Committee for the excellent work they have consistently given to this legislation, the many times they have brought it to the floor of the Senate. The distinguished Senator from Virginia, Mr. WARNER, and I worked together on several amendments. I am always happy to have his cooperation and his cosponsorship. He is a man whose heart is as stout as an Irish oak and as pure as the Lakes of Killarney.

As to the distinguished ranking member, the Bible says: Seest thou a

man diligent in his business? He shall stand before Kings. Senator LEVIN has already stood before Kings and will probably stand before more if there are any left.

Mr. WARNER. We thank our distinguished former majority leader and a member of the Armed Services Committee for his kind remarks.

Mr. BYRD. I thank both of my colleagues.

THE FOURTH OF JULY

Mr. BYRD. Mr. President, in a few short days, our Nation will celebrate for the 224th time the signing of the Declaration of Independence. For some, the occasion will take on an unwarranted special significance because there are people who have been led to believe—in some cases misled, I would say—that this is the first Independence Day of the new millennium. For them, the celebration requires extra fanfare, even more spectacular displays of fireworks, and an even bigger party, akin to the gala bashes of last New Year's Eve. However, in reality, the millennial Independence Day celebration coincides with the 225th anniversary of the signing next year, in 2001. So I, at least, will reserve my extra sparklers and Roman candles for next year.

I will not, however, let any confusion over the new century/new millennium stand in the way of one of my favorite holidays. The Fourth of July is a standout. It is one of the few holidays still celebrated on the actual anniversary of the day, as opposed to being appended to a weekend for convenience's sake. Though sales may beckon from nearby shopping malls, the holiday is not obscured beneath any major sporting event.

There are no 4th of July college football championships, no basketball finals, no baseball World Series games to divide families into the camps of the spectators and the ignored. The 4th of July is instead, typically, celebrated by families and friends in the great beauty of the outdoors.

Some years, the weather is perfect, with blue skies, moderate temperatures and low humidity, when the American flags are fanned by gentle breezes—the kind of a day that fills me with a sense of exhilaration and anticipation. Other years, the weather is almost unbearably hot and sticky, the flag hangs limply from the pole, and sun screen mingles with sweat to turn picnickers into melting human popsicles. But even these sweltering days can be relieved by mimicking childrens' refreshing runs through a water sprinkler arcing manmade rainbows across the yard, or by dousing the heat with gallons of tart lemonade and sweet watermelon chilled in a tub of ice. On summer days like these, people still resort to rocking chairs on porches and paper fans waved lazily before faces, much as they did when I was a boy in the days before air conditioning.

The highlight of the day, is, of course, the fireworks. My favorite time of this holiday comes as the temperatures cool and the skies darken, and the fireflies' display hints of the light show to come. I cannot wait to see my little great-granddaughter Caroline's expression as she is presented with the mysteries of smoke worms, sparklers, and Roman candles. I hope that she will not be so afraid of the explosive booms of the big fireworks that she cannot enjoy the fiery display, the cascades of red, blue, green, and golden sparks drifting down over our heads.

It is alright for her to be afraid, of course. After all, those fireworks, so festive now, recall the great battles fought by our young nation to gain its independence from mighty Britain. Two-hundred and twenty-four years ago, on a similar hot summer night, little Caroline's patriotic forbearers might have feared for their lives as the cannons boomed and the flintlocks cracked. The parades we watch today are a faint reminder of the lines of troops that may have tramped with grim faces through colonial towns on their way to battle with the redcoats. So it is, perhaps, good to be a little afraid when watching 4th of July fireworks. It may be the closest many of our children come to reliving this important time in the history of our Republic.

Probably most children watching 4th of July fireworks do not fully understand the link between the holiday and this day in our nation's past. That our children know little about history is not news. Poll after poll in recent years has alerted us to huge gaps in historical knowledge among our nation's schoolchildren. Once again, a recent test of young peoples' knowledge of history, in this case, the history of our own nation, has demonstrated a sorry—and if I may add—scandalous ignorance. What is disconcerting about this most recent report is that it reflects the knowledge base of college seniors from some of the best colleges and universities in the nation, not younger children with many years of learning still ahead of them. If those who do not learn from history are truly doomed to repeat it, then I shudder to think how much our future might resemble that silly movie, ''Groundhog Day.''

The test, sponsored by the American Council of Trustees and Alumni, and administered by the University of Connecticut, consisted of asking college seniors at 55 top colleges and universities some 34 questions from a high school-level American history test. I was very sorry to read that nearly 80 percent of those tested earned only a ''D'' or an ''F.'' A mere 23 percent could identify James Madison as the principal framer of the Constitution. More than a third did not know that the Constitution established the division of powers in American government. Just 60 percent could correctly select the 50-year period in which the Civil War occurred.

Imagine that. Just 60 percent could correctly select—in other words, 40 percent could not correctly select—the 50-year period in which the Civil War occurred—not the correct years, or even the correct decade, but the correct half century! A scant 35 percent could correctly name the President in office at the start of the Korean War. It was, for the record, President Truman.

But, 99 percent of these college seniors correctly identified Beavis and Butthead as television cartoon characters. That is a sorry commentary, indeed. Years of experts advising parents to limit and monitor their children's time in front of the television, and to encourage their children to stretch their minds by reading or their muscles by playing outdoors, have come to this—a nation of increasingly overweight children who spend increasing numbers of hours watching moronic and scatological so-called humor on television and who do not learn the history behind some of the most fundamental tenets underlying our system of government. It is a disgrace—a colossal disgrace. Perhaps we should attempt to restrict books and learning, in order to make them more desirable ''forbidden fruits'' in our children's eyes.

I do not want to put the blame for this sad state of affairs entirely on parents or even on our lowest-common-denominator-seeking entertainment industry. Another recent review, this time, of high school textbooks by the American Association for the Advancement of Science, slammed biology and science textbooks, in particular, as missing the big picture behind the four basic ideas driving today's cutting edge research. Not one of the two dozen biology texts reviewed by the group, which are aimed at grades 9–12, were considered excellent or satisfactory. Other reviews in the past of history books have illustrated similar deficiencies. I fear that we are nowhere close to answering the century-plus old prayer by Charles Kingsley—''I hope that my children, at least, if not I myself, will see the day when ignorance of the primary laws and facts of science will be looked upon as a defect only second to ignorance of the primary laws of religion and morality.'' We are, instead, closer to fulfilling the prediction by Robert A. Heinlein that ''A generation which ignores history has no past—and no future.''

In light of this dismal knowledge of our national history, I have today offered an amendment to the Labor, Health and Human Services Appropriations Bill to provide $50 million—just a little seed corn—to the Secretary of Education to award grants to states to develop, implement, and strengthen programs that teach American history as a separate subject within school curricula.

It doesn't mean social studies. That is about all they have today. Some people look upon social studies and claim that is history. I have nothing against social studies, except it is not history. What I am suggesting here by way of this $50 million amendment is that the

Secretary of Education award grants to States to develop, implement, and strengthen programs that teach American history—not social studies. The schools may, if they wish, teach social studies. But this is American history as a separate subject within the school curriculum. The importance of American history is too often undervalued in our nation's classrooms. As I have already indicated, poll after poll in recent years has alerted us to huge gaps in historical knowledge among our nation's schoolchildren. It is my hope that this amendment will encourage teachers and students to take a deeper look at the importance of our nation's past.

A Supreme Court ruling just a few days ago would take prayer out of our school functions, about which I will have more to say on a future day. It seems that knowledge is already in short supply there. The early patriots who established our great nation, and who inscribed on the Liberty Bell a quotation from Leviticus 25:10, ''Proclaim liberty throughout all the land to all the inhabitants thereof,'' would surely be surprised at this sad turn of events. Trained in the classics, steeped in history as surely as that tea was steeped in Boston Harbor's waters, they readily mingled faith and learning, and valued both.

I hope that on this 4th of July, some few imaginative parents might encourage their children to see, not the smoke of the backyard grill, but the smoke of battle; to hear, not the explosions of fireworks but the percussive thunder of cannons; and to spark in these young minds not a taste for firecrackers but a taste for history.

Our Founding Fathers gambled so much for our freedom. They invested their lives, their families, their fortunes, and the best of their intellects, in winning our freedom and then protecting it with a marvelously thought-out system of government. For 224 years, it has withstood the tests of history. Our Constitution, our government, our nation, has bested every effort to bring it down. It has proved capable of stretching to cover millions more acres, millions more people, and millions of new circumstances, the likes of which Thomas Jefferson, James Madison, John Adams, George Washington, Benjamin Franklin, and their peers could not have dreamed. If we are to appreciate their gift, if we are to carry on their legacy, we must learn about it, care about it, and share it with our children. I would not wish to visit upon our children, through ignorance, the fate of the protagonist Philip Nolan in ''Man Without a Country.''

I believe it was written by Edward Everett Hale. I read it many years ago. It would be well if our schoolchildren and even our adults would read it today.

Philip Nolan's sentence in ''Man Without a Country,'' for wanting to renounce his country, was to forever sail upon the high seas never again hearing news from home, not even the name of the homeland that he finally comes to realize that he loves. Our children should recognize the gift that is their birthright, and they deserve sufficient knowledge of their history to appreciate and protect the liberties that they enjoy.

I know that my knowledge of our Nation's history, and my study of the documents and lives that shaped it, only deepen my love for my Nation. I have been fortunate. I have been blessed by the Creator, blessed by the God who reigns over the destinies of nations—blessed to live a full life with many opportunities for travel, but always, I share the sentiments in the poem by Henry Van Dyke, ''America for Me.''

AMERICA FOR ME

'Tis fine to see the Old World, and travel up and down
Among the famous palaces and cities of renown,
To admire the crumbly castles and the statues of the kings,-
But now I think I've had enough of antiquated things.

So it's home again, and home again, America for me!
My heart is turning home again, and there I long to be,
In the land of youth and freedom beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.
Oh, London is a man's town, there's power in the air;
And Paris is a woman's town, with flowers in her hair;
And it's sweet to dream in Venice, and it's great to study in Rome
But when it comes to living there is just no place like home.

I like the German fir-woods, in green battalions drilled;
I like the gardens of Versailles with flashing fountains filled;
But, oh, to take your hand, my dear, and [travel] for a day
In friendly [West Virginia hills] where Nature has her way!

I know that Europe's wonderful, yet something seems to lack:
The Past is too much with her, and the people looking back.
But the glory of the Present is to make the Future free,-
We love our land for what she is and what she is to be.

Oh, it's home again, and home again, America for me!
I want a ship that's westward bound to plough the rolling sea,
To the blessed Land of Room Enough beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 1 P.M. MONDAY, JULY 10, 2000

The PRESIDING OFFICER. The Senate stands adjourned under the provisions of S. Con. Res. 125.

Thereupon, the Senate, at 2:44 p.m., adjourned until July, 10, 2000, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate June 30, 2000:

AGENCY FOR INTERNATIONAL DEVELOPMENT

EVERETT L. MOSLEY, OF VIRGINIA, TO BE INSPECTOR GENERAL, AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE JEFFREY RUSH, JR.

THE JUDICIARY

ROGER L. GREGORY, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

DEPARTMENT OF COMMERCE

MARJORY E. SEARING, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE, VICE AWILDA R. MARQUEZ, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FREDDY E. MCFARREN, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate June 30, 2000:

THE JUDICIARY

PAUL C. HUCK, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

JOHN W. DARRAH, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

JOAN HUMPHREY LEFKOW, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

GEORGE Z. SINGAL, OF MAINE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE.