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Senate

The Senate met at 9:15 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious Father, You have all authority in Heaven and on Earth. You are sovereign Lord of our lives and of our Nation. We submit to Your authority. Bless the Senators as they serve You together in this Senate Chamber and as they recommit to You all that they do and say this day. Make it a productive day. Give them positive attitudes that exude hope. In each difficult impasse, help them to seek Your guidance. Draw them closer to You in whose presence they will discover that, in spite of differences in particulars, they are here to serve You and our beloved Nation together. Gracious Lord, You have made this Senate a family, and we care for each other. Together we intercede for the needs of our friend, PAUL COVERDELL, and ask You to guide and keep him this day. All praise and glory and honor be to You, Gracious Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, 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 PRESIDENT pro tempore. The distinguished Senator from Ohio is recognized.

PROGRAM

Mr. VOINOVICH. Mr. President, today the Senate will immediately resume debate on the Interior appropriations bill with Senators FEINGOLD and BINGAMAN in control of 15 minutes each to offer and debate their amendments. Following that debate, at approximately 9:45, the Senate will proceed to rollcall votes on the remaining amendments to the Interior appropriations bill, as well as on the final passage. Following the disposition of the Interior appropriations bill, the Senate will begin the final four votes on the reconciliation bill. Therefore, Senators should be prepared to stay in the Chamber for up to 12 votes with all votes after the first limited to 10 minutes in length.

As a reminder, the Senate will recess for the weekly party conferences from 12:30 to 2:15 p.m.

For the remainder of the day, it is expected that the Senate will begin consideration of the Agriculture appropriations bill.

I thank my colleagues for their cooperation.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4578, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Reed amendment No. 3798, to increase funding for weatherization assistance grants, with an offset.

Bryan/Fitzgerald amendment No. 3883, to reduce the Forest Service timber sale budget by $30,000,000 and increase the wildland fire management budget by $15,000,000.

Lieberman modified amendment No. 3811, to provide funding for maintenance of a Northeast Home Heating Oil Reserve, with an offset.

Nickles amendment No. 3884, to defend the Constitutional system of checks and balances between the Legislative and Executive branches.

Reid (for Boxer) amendment No. 3885, to provide that none of the funds appropriated under this Act may be used for the preventive application of a pesticide containing a known or probable carcinogen, a category I or II acute nerve toxin or a pesticide of the organophosphate, carbamate, or organochlorine class as identified by the Environmental Protection Agency in National Parks in any area where children may be present.

Gorton (for Bond) amendment No. 3886, to prohibit use of funds for application of unapproved pesticides in certain areas that may be used by children.

Reid (for Bingaman) amendment No. 3887, to express the sense of the Senate regarding the protection of Indian program monies from judgement fund claims.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. It is my understanding we have until 9:45 in morning business, and then votes will be taken, is that correct?

The PRESIDING OFFICER. The Senator from New Mexico controls 15 minutes.

Mr. DURBIN. Mr. President, I ask unanimous consent to be allowed to speak as in morning business.

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

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

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TAX CODE CHANGES

Mr. DURBIN. Mr. President, those who have followed the proceedings of the Senate over the last 2 weeks understand we have been debating changes in the Tax Code. The two changes we have focused on are changes in the estate tax and changes in what is known as the marriage penalty. These are two very interesting proposals that have been before the Senate but they really tell the story about the priorities of the Senate when it comes to dealing with the economy and helping families across America.

The estate tax, which we have considered and passed in a version last week to ultimately repeal it, is a tax which affects a very small percentage of Americans. In fact, fewer than 2 percent of American families will pay the estate tax. Those who end up paying it are the wealthiest people in America.

It is curious to me that when we established our list of priorities in this Congress as to tax relief, the first people in line were the wealthiest people in America. That is not to say we should not consider tax relief that involves them, but I think everyone understands that average families, smaller businesses, and family farms have priorities, too, when it comes to tax relief.

Take a look at what the Republican proposals under the estate tax, as well as the so-called marriage penalty tax, would do in terms of the people in America and their income groups.

For the 20 percent of American families lowest in income, the Republican proposals, two of them—the estate tax as well as the marriage penalty—result in tax breaks of $24 a year. Then, as you start moving up in income, you see that not until you get up to the level of the next 15 percent here, of the top wage earners in America, do you find people even seeing a tax break of about $900 a year—about $75 or $80 a month.

Now look at what happens when you go to the top 1 percent of wage earners in America, the wealthiest people in America: $23,000 in tax breaks coming from this Republican-led Senate under these two bills, estate tax reform and marriage penalty.

So if you happen to be in a working family, down here, you are not going to notice what has been going on in the Senate because, frankly, the tax relief they are sending your way hardly pays for a magazine. But look what happens at the highest income levels: $24 for the lowest wage earners, the people struggling to survive in America; $23,000 for the wealthiest people in this country. Time and time and time again, the Republican leadership, given a chance to deal with tax equity in America, decides the best thing that can be done is to give to the wealthiest Americans more tax breaks.

This tells the story as well. I will not go through it in all detail, but the top 1 percent of wage earners in this country, people making over $300,000 a year—those folks are going to see a tax break of $23,000; 43 percent of all the tax relief coming in these two Republican bills goes to people making over $300,000 a year.

There are people who will say perhaps they need it. I am not one of them. Frankly, I can tell you who needs it, as far as I am concerned. A working family trying to figure out how they are going to pay for their kid's college education expenses, those are the folks who need a tax break. When we put on the floor a measure sponsored by my seatmate here, Senator Charles SCHUMER of New York, to allow people to deduct $12,000 a year in college education expenses instead of giving tax breaks to the wealthy, it was rejected by the Republican majority. A $12,000 deduction for college education expenses was rejected while we give a $23,000-a-year tax break to the wealthiest among us.

Then Senator DODD of Connecticut, who has been a leader in child care, stood up and said we have a lot of people going to work in America every day worried about the safety and quality of child care; let's give them a tax break so they can pay for good, professional, safe child care and have peace of mind while at work that their kids are in good hands. It was rejected by the Republican majority. The idea of helping working families take care of their kids was rejected.

Then Senator KENNEDY and others offered a prescription drug benefit for seniors and the disabled under Medicare, struggling to pay for their drug bills. We said we think that is a higher priority than a $23,000 tax break for the wealthiest people in America. The Republican majority said no, it is not a higher priority; it is a much higher priority to keep in the front of the line at all times the wealthiest people in America. That is what this debate is all about.

The question is, Whom do we stand for? Do we stand for working families in this country or do we stand for the financially articulate who, frankly, lord over this political process with their representatives who come in expensive suits, well dressed, standing in the corridors here saying we have to help the wealthy of America.

For good Heaven's sake, for the last 8 years this economy has been on such a roll, the wealthiest in America have done very, very well. I don't begrudge them that. But when we talk about helping people in this country, why don't we remember the folks who get up and go to work every single day, who worry about their kids' education expenses, who are concerned about day care where they can leave their kids safely, who want to make certain their parents can afford the prescription drugs they need to stay healthy?

That is not a priority among the Republican leadership here. They don't want to talk about it. They want to go to their convention in Philadelphia in 2 weeks and talk about how they have worked so hard for tax cuts and President Clinton and the Democrats have stopped them. Don't forget to ask them the question, Who are the winners under your tax cuts? The winners are those who turn out always to win when the Republicans are in control. The wealthiest win again and again in America.

I see Senator HARKIN. Senator HARKIN came in with his own proposal, trying to help those concerned about tax equity. I am happy to yield to him at this point.

Mr. HARKIN. Mr. President, I thank my friend for his very eloquent and decisive statement. I think my friend has really put his finger on it.

I would add one other thing to what we attempted to do here with the future surpluses the Senator was mentioning, the various things we wanted to do to try to help average working people. I had offered an amendment a couple of weeks ago to fully fund the Individuals with Disabilities Education Act so we could help the States help families with children with disabilities to send them to school to get them the best possible education. We were stymied by the Republicans. Most of them voted against it.

Yet they find it within themselves to give, as the Senator pointed out, to the top 1 percent of this country 43 percent of the tax breaks. The surplus we have coming in the next 10 years is being used up by these tax breaks. I might ask the Senator if that is not so. It is my information, just this year, up until right now, this Senate, under Republican leadership, has passed something over $1.3 trillion in tax cuts. Am I in the ballpark, I ask the Senator?

Mr. DURBIN. The Senator from Iowa is correct. As these charts indicate, those tax breaks are going to the wealthiest people in America. I think the Senator from Iowa, from my neighboring State, believes as I do: Hard-working people in this country are not looking for a handout; they are looking for an opportunity. Give them a chance to pay for their kids' college education; give them a chance to pay for prescription drugs; give them a chance to pay for day care. And the Republicans say consistently: That is not a priority. That is not important.

Mr. HARKIN. I see my distinguished colleague from Massachusetts. The other day, Senator KENNEDY was pointing out that the Republicans have passed $1.3 trillion in tax cuts. Yet we have not purchased one book; we have not reduced the size of one class, we have not hired one new teacher, modernized one school, brought one prescription drug for the elderly. Yet they spend $1.3 trillion of the surplus that is there because of hard-working Americans the Senator from Illinois is talking about.

Mr. DURBIN. I might say in response to the Senator from Iowa, to think we live in a nation where 30 percent of our population cannot read any higher than a fifth-grade level, this is a waste of resources in our country. We will

need to be a productive society in the 21st century. The fact is that this Republican-controlled Congress does not even view education as a high enough priority; they would rather put our time and our effort into tax breaks for people who are doing very well under our economy.

I will be happy to yield again to the Senator from Iowa.

Mr. HARKIN. Mr. President, the Senator knows that next week we celebrate the 10th anniversary of the Americans with Disabilities Act. A recent court decision upheld the ADA, trying to get people with disabilities the right to live independently in their own communities. That is going to require us to make some changes in this country. It is going to require us to invest in making sure people with disabilities have the kind of support they need so they can get education and jobs and independent living and transportation. If we do that, they are going to be wage earners and taxpayers and not living in institutions.

I say to the Senator from Illinois, as we celebrate the ADA next week, we ought to think about that, where all the money is now going, because the Republicans are giving it all to the top 1 percent and there will not be anything left to help make our country more fair and just, and to make sure we live up to our obligation to people with disabilities so they are fully integrated into our society.

Mr. DURBIN. I will be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Just before the Senator leaves that thought about the need for support for special education, this is something the Senator from Iowa has been particularly interested in and in which he is strongly supported by the Senator from Illinois and myself.

We have heard a lot of lectures out here about the importance of helping local communities who have these extraordinary challenges of families who have children with these special needs, and it places a very special burden on local communities. I think the Senators from Iowa and Illinois and others understand the importance of giving help and relief to these communities all across this country. We hear about the need out there.

I am wondering whether the Senator shares my belief that after giving $1.3 trillion away, whether we should not have used some of those resources to try to help local communities and help families who have these kinds of special needs for their children?

We are going to be hard pressed to find the resources to do that. Perhaps the Senator would also tell me why it is now that we have gone all of this last year, all of this year, and we still can't get a minimum wage up to look out for the interests of 13 million Americans who are working 40 hours a week, 52 weeks a year, who take pride and have a sense of dignity, that we can't have an opportunity to address it, when in the last 5 days we have given $1.3 trillion away to the wealthiest individuals.

Mr. DURBIN. I say to the Senator from Massachusetts, if you take a look at this chart, this is what the Republicans want to do for those who are working for the minimum wage, for less than $13,000 a year. They want to give them a tax cut of $24. Two dollars a month is their response. We are trying to give them a dollar an hour increase under Senator KENNEDY's leadership in the minimum wage. Yet those at the highest level, those making over $300,000 a year, under the Republican proposal, will see a tax break of $23,000 a year. That is almost double what people making minimum wage are receiving in income. We are going to give that much in a tax break to those making over $300,000.

So instead of raising the minimum wage for the millions that the Senator refers to—and the 350,000 people who get up and go to work every day in Illinois at minimum-wage jobs—we are, instead, giving a tax break to the wealthiest among us.

Mr. KENNEDY. Will the Senator respond to another question?

Is it the Senator's position—and we have been joined by the Senators from California and New York—that there is a greater priority to provide a prescription drug program for the 40 million Americans who need prescription drugs than there is to grant the $1.3 trillion to the wealthiest individuals, that the Senator from Illinois shares the belief that we ought to be addressing that particular issue prior to the time that we give away all of these funds to some of the wealthiest individuals?

Mr. DURBIN. I agree completely.

When Senator FEINGOLD offered his amendment that said anyone with an estate over $100 million a year will have to pay estate taxes, it was rejected by the Republicans. To think people that wealthy should not pay their taxes, while many seniors have to choose between filling their prescription drug prescriptions or filling their refrigerators with food, I think tells the difference between the two parties when it comes to helping America.

Mrs. BOXER. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mrs. BOXER. I do not know if the Senator has mentioned this, but it seems to me this Republican Congress wants to take care of the top 2 percent of income earners in this country; and as far as the other 98 percent, they don't seem to care.

Why do I say that? Because you have to look at the action. I ask the Senator to again hold up that chart. What is happening here? If you asked the average person in the higher income brackets, who is doing so well in this particular time—thanks to the policies, I would say, of the Clinton-Gore team, supported by those of us in Congress—they don't need to get back $23,000 a year. They are doing extremely well.

Does my friend think it is time to take a little of this emotion—I watched the debate when Senator FEINGOLD offered his amendment to exempt estates of any taxes up to $100 million. I thought at least on that point our friends on the other side could join hands with us. But no, the emotion on the other side of the aisle, defending the people, the ''poor'' people who are worth more than $100 million, was so powerful that I only wished we could take a tenth of that emotion and address it to the minimum wage and prescription drugs and good public education.

I wonder if my friend noted the strong emotion and feeling on the other side of the aisle when it came to defending and protecting the wealthiest in this country, rather than the 98 percent of the people who need it. Did he take note of that?

Mr. DURBIN. I say to the Senator from California, time and again, the Republican Senators here have felt the ''pain'' of being wealthy in America. They can feel the ''pain'' of those who make over $1 million each year, over $300,000. They don't seem to feel any pain or any sense of emotion when it comes to the working families.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Resumed

AMENDMENT NO. 3798

The PRESIDING OFFICER. The hour of 9:45 a.m. having arrived, the question now occurs on the Reed amendment No. 3798.

The Senator from Rhode Island.

Mr. REED. Mr. President, I believe my colleague, Senator GORTON, has a modification to my amendment, which I will accept. He is prepared to offer the modification to my amendment.

Mr. GORTON. Mr. President, what is the order of business? It is 9:45.

The PRESIDING OFFICER. There are 2 minutes evenly divided for explanation on the Reed amendment No. 3798.

Mr. GORTON. Mr. President, Senator REED and I have come to an accommodation, and we have a modification to his amendment.

First, I ask unanimous consent that the yeas and nays on the Reed amendment be vitiated.

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

AMENDMENT NO. 3798, AS MODIFIED

Mr. GORTON. Mr. President, I send a modification to the Reed amendment to the desk, and ask unanimous consent that it be immediately considered.

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

The amendment, as modified, is as follows:

(Purpose: To increase funding for weatherization assistance grants, with an offset)

On page 182, beginning on line 9, strike ''$761,937,000'' and all that follows through ''$138,000,000'' on line 17 and insert ''$763,937,000, to remain available until expended, of which $2,000,000 shall be derived by

transfer from unobligated balances in the Biomass Energy Development account and $2,000,000 shall be derived by transfer of a proportionate amount from each other account for which this Act makes funds available for travel, supplies, and printing expenses: *Provided*, That $174,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $140,000,000''.

Mr. GORTON. Mr. President, this modification does make an increase in the appropriation to the amount in the House bill.

It has been a pleasure to work with Mr. REED toward a cause in which he believes and in a way which is fiscally responsible.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senator for his gracious cooperation. This would increase the money we are committing to the weatherization program so that we could, in fact, provide more assistance to low-income homes to weatherize their homes, both to protect themselves in the cold of winter and the heat of summer. It would also make, we hope, the Nation less dependent on foreign sources of energy. It is an excellent proposal and program.

I thank the Senator for his cooperation.

Mr. President, I yield back my time and ask for a voice vote on the measure.

Mr. GORTON. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3798, as modified.

The amendment (No. 3798), as modified, was agreed to.

Mr. REID. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3910 AND 3911, EN BLOC

Mr. GORTON. Mr. President, I ask unanimous consent that two amendments that were inadvertently omitted from the managers' package last night be adopted at this time.

I send them to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. GRASSLEY, for himself and Mr. HARKIN, proposes an amendment numbered 3910.

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 3911.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments, en bloc, are as follows:

AMENDMENT NO. 3910

(Purpose: To direct the Secretary of the Interior to enter into a land exchange with Dubuque Barge & Fleeting Services, Inc., of Dubuque, Iowa)

On page 163, after line 23, insert the following:

SEC. 1___. MISSISSIPPI RIVER ISLAND NO. 228, IOWA, LAND EXCHANGE.

(a) IDENTIFICATION OF LAND TO BE RECEIVED IN EXCHANGE.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this section as the ''Secretary''), shall provide Dubuque Barge & Fleeting Services, Inc. (referred to in this section as ''Dubuque''), a notice that identifies parcels of land or interests in land—

(1) that are of a value that is approximately equal to the value of the parcel of land comprising the northern half of Mississippi River Island No. 228, as determined through an appraisal conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisition; and

(2) that the Secretary would consider acceptable in exchange for all right, title, and interest of the United States in and to that parcel.

(b) LAND FOR WILD LIFE AND FISH REFUGE.—Land or interests in land that the Secretary may consider acceptable for the purposes of subsection (a) include land or interests in land that would be suitable for inclusion in the Upper Mississippi River Wild Life and Fish Refuge.

(c) EXCHANGE.—Not later than 30 days after Dubuque offers land or interests in land identified in the notice under subsection (a), the Secretary shall convey all right, title, and interest of the United States in and to the parcel described in subsection (a) in exchange for the land or interests in land offered by Dubuque, and shall permanently discontinue barge fleeting in the Mississippi River island, Tract JO–4, Parcel A, in the W/2 SE/4, Section 30, T.29N., R.2W., Jo Daviess County, Illinois, located between miles #578 and #579, commonly known as Pearl Island.

AMENDMENT NO. 3911

On page 126, line 16, strike ''$207,079,000'' and insert ''$208,579,000''.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 3910 and 3911), en bloc, were agreed to.

AMENDMENT NO. 3883

The PRESIDING OFFICER. Under the previous order, there are 2 minutes of debate on the Bryan amendment.

The Senator from Nevada.

Mr. BRYAN. Mr. President, this amendment would reduce the amount of money in a program that loses the American taxpayers a great deal of money—some $2 billion over the period of 1992 to 1997—and transfers $15 million into a program to help prevent forest fires in those areas which interface with the urban base. So we have State and local governments and the Forest Service all needing more money for planting.

This is totally different from the amendment the distinguished Senator from New Mexico offered which deals with reducing fuels that cause fires—a totally separate issue. This one is a winner for the American taxpayer, and it is a winner for the other people who live in those areas that can be affected by forest fires.

I urge the adoption of the amendment.

Mr. SMITH of Oregon. Mr. President, I rise today in strong opposition to the Bryan amendment which proposes to cut funding for the Forest Service's timber sale program. Unfortunately, this amendment continues to assault on the statutory principle of multiple use of public lands.

While I don't take issue with the Senator from Nevada on the question of increasing funds for fire preparedness under the U.S. Forest Service, I must vehemently disagree with the proposal that the federal timber program should be slashed by thirty million dollars. As we all know, we are dealing with finite resources under the Interior appropriations bill, and I believe the managers of the bill have achieved a proper balance under these circumstances. In addition, I must remind my colleagues that just last week we all voted to dramatically increase funds for hazardous fuels reduction with the adoption of the Domenici amendment.

Year after year, opponents of logging on public lands allege that the Forest Service timber program is a subsidy for timber companies. The fact is, however, public timber is sold at competitive auctions at market prices. This is no subsidy for timber companies. Year after year, opponents of logging on public lands also claim that the Forest Service timber program is a money loser. Of course, their figures never seem to take into account the bureaucratic and statutory requirements created by a myriad of federal land regulations or recent accounting changes that front-load certain expenses, making more sales appear below cost. Unlike many private lands, National Forest System lands are managed for multiple uses—recreation, wildlife habitat, and forest products. If anything, the fiscal arguments used by proponents of this amendment only prove that, indeed, federal regulatory mandates are quite expensive.

Ironically, this amendment is actually counterproductive for the environment as well. We have well over sixty-five million acres of the National Forest System at risk of catastrophic wildlife, disease, and insect infestation. The high fuel loads created by a century of fire suppression, and eight years of passive forest management have set up our national forests for catastrophic wildlifes that threaten homes, wildlife, and watersheds. Mechanical removal through timber sales can be an efficient and economical tool to reduce these wildfire risks, and it should be available to the professional foresters of the Forest Service.

Despite its strong backing from environmental groups, the Bryan amendment will do nothing for global environmental stewardship as long as we, in the United States, continue to consume more wood products. During the assault on public lands industries under this administration, the amount of timber sold from our federal forests has dropped by nearly eighty percent. Predictably, our lumber imports have jumped by fifty percent over the same time. In other words, further cutting

our domestic federal timber program may be a feel-good move for some, but it will merely serve to encourage the shift of U.S. timber consumption to forests in foreign countries. Many of these source countries do not have the rigorous environmental standards we have in the U.S.—so we should ask ourselves whose environment we are really saving with this amendment, and at what cost.

What is particularly troubling for me about this kind of attack on the timber sale program is that Oregon has some of the best forests for timber production in the world. Certainly, Oregon forests are able to regenerate this renewable resource in a much more environmentally sound way than some of the foreign forests on which we have come to depend for our wood products needs. Yet in Oregon we have seen an even steeper decline in federal timber harvests than the nation as a whole during the Clinton-Gore years—more than ninety percent. Over a hundred mills have closed in my state and thousands of family-wage jobs in rural counties have been lost. Just last month, two more wood products facilities closed—one in Dallas, Oregon and one in Wallowa, Oregon. The Bryan amendment will just exacerbate the transfer of these jobs to foreign timber producers.

Mr. President, I'm not saying that there isn't a place for environment and recreational purposes on our federal lands—there certainly is. However, I believe strongly that we must manage our federal lands in a balanced way, so that we are good stewards of the land and meet some of our human needs for timber and recreation at the same time. Unfortunately, the amendment before us is just another attempt to export jobs and timber harvests overseas at the expense of rural America. I urge my colleagues to reject the Bryan amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, this is another attempt to do away with the timber program and the salvage program, and all those associated with them. If you want to do something about fires, or the safety of the forests, or the health of the forests, what you do is maintain a healthy harvest situation. In other words, it just makes a lot of sense. It is the old idea of the Government having to own all the land. You have to harvest those trees. To take the money away from it does not get to the environmental objective that a lot of us want to get to.

I hope my colleagues will reject this amendment.

Mr. BRYAN. Might I inquire, is there any more time remaining on my side?

The PRESIDING OFFICER. There is not. The question is on agreeing to amendment No. 3883. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

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

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

[Rollcall Vote No. 207 Leg.]

YEAS—45

Akaka	Edwards	Levin
Bayh	Feingold	Lieberman
Biden	Feinstein	Mikulski
Bingaman	Fitzgerald	Moynihan
Boxer	Graham	Reed
Breaux	Harkin	Reid
Brownback	Hollings	Robb
Bryan	Inouye	Rockefeller
Chafee, L.	Jeffords	Roth
Cleland	Kennedy	Sarbanes
Conrad	Kerrey	Schumer
DeWine	Kerry	Specter
Dodd	Kohl	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NAYS—54

Abraham	Gorton	McCain
Allard	Gramm	McConnell
Ashcroft	Grams	Murkowski
Baucus	Grassley	Murray
Bennett	Gregg	Nickles
Bond	Hagel	Roberts
Bunning	Hatch	Santorum
Burns	Helms	Sessions
Byrd	Hutchinson	Shelby
Campbell	Hutchison	Smith (NH)
Cochran	Inhofe	Smith (OR)
Collins	Johnson	Snowe
Craig	Kyl	Stevens
Crapo	Landrieu	Thomas
Daschle	Lincoln	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Voinovich
Frist	Mack	Warner

NOT VOTING—1

Coverdell

The amendment (No. 3883) was rejected.

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

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

The motion to lay on the table was agreed to.

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

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

Mr. GORTON. I ask unanimous consent that the Lieberman amendment be postponed and be put last on the list.

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

AMENDMENT NO. 3884

Under the previous order, there are 2 minutes equally divided on the Nickles amendment numbered 3884.

Mr. NICKLES. Mr. President, this amendment would basically say there would be no new national monuments unless authorized by an act of Congress.

Under the Antiquities Act, this administration just this year declared 2 million acres to be national monuments.

I happen to be a fan of national monuments, but I think we should have local input. We should have the Governors say whether or not they are for it. We should have local communities testify before Congress. We should have some input. Right now, that is not happening.

Prior to the last election, the President stood at the Grand Canyon and declared 1.7 million acres in Utah a national monument. This year, he declared 2 million acres. In contrast, that compares to 86,000 acres by Presidents Nixon, Ford, Reagan, and Bush. President Johnson declared 344,000. This President has already declared 2 million acres this year.

I think Congress should have some input. We should authorize it by an act of Congress.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Illinois.

Mr. DURBIN. Mr. President, the Nickles amendment is a historic vote. Since 1906, virtually every President of the United States has used the Antiquities Act to protect valuable, irreplaceable national treasures, such as the Grand Tetons and Olympic National Park.

With this Nickles amendment, the party of Teddy Roosevelt officially abandons its commitment to his environmental legacy. Without as much of a minute of hearings on this issue, the Nickles amendment strips the President of the authority he has had for generations to protect America's natural and national treasures. The Grand Old Party works overtime to protect the legacy of the wealthy from taxation but refuses to protect the legacies of meadows, rivers, mountains, and forests for our children.

Vote ''no'' on the Nickles amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask for a rollcall on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3884. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—49

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

NAYS—50

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

NOT VOTING—1

Coverdell

The amendment (No. 3884) was rejected.

Mr. DURBIN. I move to reconsider the vote.

Mr. GORTON. 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 Washington.

Mr. GORTON. Mr. President, in a very short period of time now, we can adopt two amendments that have now been agreed to.

AMENDMENT NO. 3811

Mr. GORTON. Mr. President, I ask unanimous consent we now proceed to consider the Lieberman amendment No. 3811.

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

Mr. GORTON. Mr. President, the amendment has now been agreed to by all sides.

We yield back all time.

The PRESIDING OFFICER. All time being yielded back, the question is on agreeing to the amendment.

The amendment (No. 3811) was agreed to.

AMENDMENT NO. 3887

Mr. GORTON. Mr. President, I ask unanimous consent that we now proceed to the Bingaman amendment No. 3887.

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

AMENDMENT NO. 3887, AS MODIFIED

Mr. GORTON. Mr. President, an agreement has been reached on this amendment, which requires a modification. I send the modification to the Bingaman amendment to the desk and ask unanimous consent that it be so modified.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To express the sense of the Senate regrading the protection of Indian program monies from judgment fund claims)

On page 163, after line 23, add the following:

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

(1) in 1990, pursuant to the Indian Self Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 450 et seq., a class action lawsuit was filed by Indian tribal contractors and tribal consortia against the United States, the Secretary of the Interior and others seeking money damages, injunctive relief, and declaratory relief for alleged violations of the ISDEAA (*Ramah Navajo Chapter* v. *Lujan*, 112 F.3d 1455 (10th Cir. 1997));

(2) the parties negotiated a partial settlement of the claim totaling $76,200,000, plus applicable interest, which was approved by the court on May 14, 1999;

(3) the partial settlement was paid by the United States in September 1999, in the amount of $82,000,000;

(4) the Judgment Fund was established to pay for legal judgments awarded to plaintiffs who have filed suit against the United States;

(5) the Contract Disputes Act of 1978 requires that the Judgment Fund be reimbursed by the responsible agency following the payment of an award from the Fund;

(6) the shortfall in contract support payments found by the Court of Appeals for the 10th Circuit in Ramah resulted primarily from the non-payment or underpayment of indirect costs by agencies other than the Bureau of Indian Affairs and the Indian Health Service;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) repayment of the judgment fund for the partial settlement in Ramah from the accounts of the Bureau of Indian Affairs and Indian Health Service would significantly reduce funds appropriated to benefit Tribes and individual Native Americans; and

(2) the Secretary of the Interior should work with the Director of the Office of Management and Budget to secure funding for repayment of the judgment in Ramah within the budgets of the agencies that did not pay indirect costs to plaintiffs during the period 1988 to 1993 or paid indirect costs at less than rates provided under the Indian Self-Determination Act during such period.

Mr. BINGAMAN. Mr. President, this amendment is intended to express the sense of the Senate that repayment of the judgment fund for the partial settlement in the Ramah Navajo Chapter v. Lujan case from Indian program funds within BIA and IHS would significantly reduce the funds appropriated to benefit Tribes and individual Native Americans across the country.

This unprecedented partial settlement was the result of a lawsuit filed in 1990, pursuant to the Indian Self-Determination and Education Assistance Act against the United States, the Secretary of Interior Manuel Lujan, and others.

The Ramah Chapter of the Navajo Nation in northwest New Mexico initiated the lawsuit to recover damages for the alleged non-payment or underpayment of indirect costs, related to 638 contracts it entered into with several federal agencies.

This suit became a class action suit and currently involves over 326 class members made up of tribal contractors and tribal consortia from across the country.

In 1997, the Tenth Circuit Court of Appeals found that the tribes involved were underpaid and that several federal agencies were involved in the non-payment and underpayment of indirect costs.

Last year, the federal agencies and the plaintiffs negotiated a partial settlement totaling $76,200,000, plus applicable interest.

This partial settlement was paid by the United States in September 1999.

Many people do not realize that Congress established a Judgment Fund to pay for legal judgments awarded to plaintiffs who sue the United States. This enables plaintiffs to be paid the amount of their judgment without having to wait for Congress to appropriate funds for each case.

Years later, in 1978, Congress passed the Contract Disputes Act and required that the Judgment Fund be reimbursed by the responsible agency after an award is paid from the judgment fund.

The problem we have today is the Department of Interior, namely the Bureau of Indian Affairs, has been billed for the entire amount of the partial settlement in the Ramah case. With interest, this totals approximately $83 million.

Many tribes are concerned that if BIA has to pay back the judgment fund from available funds, Indian programs will be significantly impacted. I share their concern.

I introduced this amendment to shed some light on this issue and to encourage the federal agencies to resolve this matter in a way that does not severely impact Indian programs.

It does not seem appropriate to me that Indian program funds—funds that benefit tribes and individual Indians—should be used to pay for a lawsuit brought by tribes and tribal entities.

Because there were many agencies involved in the underpayment of the contract support costs, I believe the Secretary of Interior should work with the OMB to find the funding from within the budgets of all of the agencies involved.

Any other result would be unjust and unfair to Native Americans across the country.

I encourage my colleagues to support this sense of the Senate and I thank Senator CAMPBELL for his leadership in this area and his support of this amendment.

Mr. CAMPBELL. Mr. President, I am pleased to join Senator BINGAMAN and others in this Sense of the Senate Resolution related to a class action lawsuit that was filed some years ago by several Indian tribes against Secretary Babbitt for failure to fully pay for contract support costs necessary for tribal contractors to carry out Federal programs and services under the Indian Self Determination and Education Assistance Act of 1975, as amended, 25 U.S.C. 450 et seq.

To fully understand this issue a little background is in order. I was the proud sponsors of S. Res. 277, commemorating the 30th anniversary of President Nixon's ''Special Message to Congress on Indian Affairs'' in which he laid the foundation for modern Federal Indian policy—Indian Self Determination. Built on the twin pillars of political self determination and economic self sufficiency, this policy continues to be a driving force in the economic progress some tribes are making.

The 1975 ISDEA was enacted to further this policy by authorizing Indian tribes to contract for the performance of Federal programs and services by ''stepping into the shoes'' of the United States.

Now, 25 years later, nearly one-half of the Bureau of Indian Affairs and Indian Health Service programs and services are subject to tribal contracts and compacts.

To facilitate these contracts, the United States is obligated to provide the administration costs—or ''contract support costs''—to those tribes that carry out ISDEA contracts, just as it does to military contractors, research universities and other entities.

The Ramah Navajo Chapter v. Babbitt case resulted in a judgment of $82 million against the U.S. to be paid from the Judgment Fund for failure to pay these contract support costs. Under the law applicable to this case, the Treasury Department may seek to have the BIA reimburse the Judgment Fund for this amount. The funds for reimbursement would come from the BIA's operating budget, resulting in manifest inequity for not only the plaintiff tribes but for all tribes who depend on BIA funds for core programs such as law enforcement, education, child care, and others.

This sense of the Senate amendment would not prevent the kind of reimbursement that the tribes and I fear, but expresses the consensus of the Senate that the agencies involved—the BIA and the IHS—should declare Indian program funds unavailable for purposes of reimbursement.

I remain hopeful that stronger language can be crafted to protect these funds, and in the interim lend my support to this amendment. I want to commend Senator BINGAMAN for his hard work in finding a solution that does not run afoul of the budget rules and commit to working with him and others as we proceed to conference in this bill.

The PRESIDING OFFICER. Is all time yielded back on the Bingaman amendment, as modified?

Mr. GORTON. All time is yielded back.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 3887, as modified.

The amendment (No. 3887), as modified, was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, regular order.

AMENDMENT NO. 3886

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided prior to a vote on the Bond second-degree amendment No. 3886 to the Boxer amendment.

The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent that Senators LINCOLN, KERREY of Nebraska, and ROBERTS be added as cosponsors to my amendment.

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

Mr. BOND. I yield 30 seconds to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I rise in support of this bipartisan amendment which prevents funds from being used for the application of unapproved pesticides in areas that may be used by children and directs the Secretary of the Interior to work with EPA to ensure that pest control methods do not lead to unacceptable exposure to children.

We updated the safety standards for pesticides, with specific safety factors for children, in 1996.

This amendment allows EPA to do its job. The Boxer amendment seeks to regulate pest control products from the Senate floor, thereby ignoring the scientific tests EPA requires for pesticide registrations.

I urge Members to support the Bond second-degree amendment and to let EPA do its job of regulating and ensuring safety for all of us, including our children.

Mr. ROBERTS. Mr. President, I rise today in support of the Bond second-degree amendment to the amendment offered by my colleague from California.

I agree with the intentions of the amendment offered by the Senator from California. All of us want to protect the health of our children. However, I do not believe her amendment does this. In fact, I believe it could actually harm the health of children.

In 1996, Congress approved, nearly unanimously, the Food Quality and Protection Act. The FQPA was intended to reform pesticide tolerance and review processes dating from as far back as the 1950s. Quite simply, prior to the passage of the FQPA the standards being used to evaluate pesticides and chemicals was not in step with today's science.

Under the FQPA we tightened the review standards. Their are specific guidelines for pesticide and tolerance review by EPA. And, EPA has tightened the requirements regarding the effects of the pesticides on children. If EPA believes a chemical or pesticide could be harmful to children, it can pull, or request that a product, be pulled from the market. In fact, this has happened in several instances.

EPA should and will pull a chemical when children's and the public's health are at risk. At the same time, I want my colleagues to understand that without these pesticides we may be submitting our children to health risks associated with roaches, brown recluse spiders, ticks, mosquitoes, and other pests.

By passing the Senator from California's amendment, we may actually be tying the hands of our federal officials and keep them from protecting children from these pests.

The Bond amendment recognizes that we already have a review and approval process in place. It says that if a chemical has not been deemed safe to use around children it cannot be used by the federal agencies funded under this act. Congress has put a product review process in place. It should be followed. The Bond amendment stays the course and I urge my colleagues to support his amendment.

Mr. BOND. Mr. President, the underlying amendment circumvents the science-based process at EPA which includes explicit and stringent protections for children.

Additionally, it places children at risk by prohibiting EPA-approved products that protect our children from diseases such as asthma, encephalitis, malaria, Lyme disease, brown recluse spiders, and others.

EPA does not support this amendment, and the amendment is based on the shockingly false premise that EPA does not care enough about children to protect them as mandated by law.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I have no problem with the Bond-Lincoln amendment, but it does nothing. All pesticides that are on the market today are approved by EPA. There are none that are not. This is a sham amendment to kill my underlying amendment, which already passed this Senate 84–14 when I offered it on the Department of Defense Appropriations bill.

Simply put, what we are saying is, for preventive and routine application of pesticides in national parks—where children play—don't use the most toxic pesticides, those that are identified by the EPA as known or probable carcinogens, acute nerve toxins or organophosphates, carbamates or organochlorines. EPA has identified these pesticides as those ''which appear to pose the greatest risk to public health.'' In a June 13, 2000 letter, EPA states that it ''strongly supports the goal'' of my amendment.

EPA supports what we are trying to do because they have a mission, which is to protect kids. While it's true that the Food Quality Protection Act of 1996 required EPA to ensure that its standards protect children, the fact is, EPA is not implementing this provision consistent with congressional intent. EPA has only applied the ''safety factor'' referred to by my colleague from Arkansas in nine—just nine—of the thousands of cases it has reviewed. EPA is currently being sued because it is not enforcing this important provision.

So what we are saying is, for the preventive and routine application, do not use these highly toxic pesticides unless there is an emergency, because children are not adults—they are rapidly growing, they are rapidly changing and they are, as a result, uniquely vulnerable to these toxins.

In its report, Pesticides in the Diets of Infants and Children, the National

Academy of Sciences tells us that children are uniquely vulnerable to the exact toxins targeted by my amendment. The NAS also tells us that current EPA standards ''could result in the permanent loss of brain function [in children] if it occurred during prenatal or early childhood period of brain development.''

I am voting for the Bond amendment. And I am coming right back with my first degree amendment to protect children from these dangerous pesticides.

I suggest the absence of a quorum.

Mr. BOND. I ask unanimous consent——

Mrs. BOXER. 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. REID. 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. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3886 offered by the Senator from Missouri.

Mr. BYRD. Mr. President, what is the question on which we are voting?

The PRESIDING OFFICER. The question is on agreeing to the Bond second-degree amendment No. 3886 to the Boxer amendment.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—99

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

NOT VOTING—1

Coverdell

The amendment (No. 3886) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3912 TO AMENDMENT NO. 3885

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 3912 to amendment No. 3885:

At the end of the amendment, add the following: ''None of the funds appropriated under this Act may be used for the preventive application of a pesticide containing a known or probable carcinogen, a category I or II acute nerve toxin or a pesticide of the organophosphate, carbamate, or organochlorine class as identified by the Environmental Protection Agency in National Parks in any area where children and pregnant women may be present.''

Mrs. BOXER. Mr. President, this is an important amendment. What we are saying is, for routine pesticide spraying in our national parks where children play and pregnant women are present, that the Park Service should use the least toxic pesticides. In other words, for routine use, don't use pesticides that are known carcinogens, probable carcinogens, or that are toxic to the nervous system. These pesticides are identified by EPA as ''those which pose the greatest risk to public health.''

I would like to place into the RECORD a June 30, 2000 letter from EPA to my colleague Senator BOND where EPA states that fact.

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

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, June 30, 2000.

Hon. ROBERT SMITH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for forwarding follow up questions to the June 13, 2000 nomination hearing of Mr. James Aidala before the Senate Committee on Environment and Public Works. Enclosed are the questions with the Administration's responses. Should you require any additional information, please contact me, or your staff may contact Ron Bergman at 564–3653.

Sincerely,

DIANE E. THOMPSON,
Associate Administrator.

Enclosures.

ENCLOSURE 1

(1) Is it accurate that EPA supports enactment into law of amendment #3308 as written?

As you are aware, EPA stated in a letter to Senator Boxer dated June 13, 2000, that EPA supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration, nor has the Administration taken a position on the amendment.

(2) If EPA supports elimination of the products restricted in amendment #3308, please outline and supply the scientific studies and other scientific basis in detail which influenced your judgement.

EPA supports the goal of limiting unnecessary exposure to children of pesticides. EPA is ready to work with the Department of Defense (DoD) and others to craft effective methods of pest control that will minimize exposures to children. In fact, there is already a foundation of success to build on in this regard. In 1996, EPA and DoD entered into a memorandum of understanding to form a partnership to promote environmental stewardship by adopting integrated pest management strategies. This effect has resulted in significant reductions of pesticide use by DoD.

The categories of pesticides included in the amendment correlate with Group 1 of EPA's schedule for tolerance reassessment, consisting of pesticides which appear to pose the greatest risk to public health. A copy of the Federal Register Notice explaining the division of pesticides into groups is enclosed. The Agency is giving priority to the review of these pesticides through its tolerance reassessment process and will take appropriate action upon completion of the review. To date, the Agency has reviewed approximately 3,485 of the 9,721 existing tolerances. When the Agency determines, after extensive scientific review, that the risks posed by a pesticide do not meet the FQPA standards it will move to eliminate the risk. For example, last August, the Agency negotiated agreements with the manufacturers of methyl parathion and azinphos methyl to either eliminate or reduce application rates on foods to address such unacceptable risks. Meanwhile, many of the pesticides included in the amendment are still undergoing reassessment.

(3) If EPA opposes the amendment, supports changes to the amendment, or has concerns with the amendment, why was that not expressed in the letter?

As stated above, the June 13 letter reaffirms EPA's support for the goal of the amendment. Beyond that, the Administration has not taken a position on the amendment.

(4) If the letter is neither supportive or in opposition to the amendment, what was the purpose of the letter?

Immediately after the June 13 confirmation hearing, EPA was asked by Senator Boxer to provide its views in writing on the amendment prior to the scheduled floor consideration of the amendment. As Mr. Aidala testified, the amendment had not received Administration review. Given the limited time available, the Agency stated its support for the goal of protecting children from unnecessary pesticide exposure and to explain our current activities in that area. We also expressed our willingness to work closely with the DoD on this issue.

(5) Were you aware of this letter at the time of your testimony and if so, why was it not referenced before the Committee?

At the time of Mr. Aidala's testimony, EPA was not preparing a letter, it was only upon the conclusion of the hearing that a request was received from Senator Boxer for such a letter. At the time of the hearing, Mr. Aidala was only aware that Senator Boxer was considering introducing such an amendment.

(6) If you were not, were you subsequently consulted?

Mr. Aidala was subsequently informed that EPA's Office of Congressional and Intergovernmental Relations received a request from Senator Boxer to clarify EPA's views.

(7) If you were not consulted, why were you not consulted?

Not applicable.

(8) Please reconcile your testimony with the letter.

The letter and, to the best of our understanding, Mr. Aidala's testimony state that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration.

(9) Does EPA already protect children on military bases from harmful pesticides?

The protection of children is one of our highest priorities. When we register, reregister, or reassess tolerances for existing pesticides we try to ensure that our actions are protective of all consumers, especially children. FQPA requires special protections for infants and children including: an explicit determination that tolerances are safe for children; an additional safety factor, if necessary, to account for uncertainty in data relative to children; and consideration of children's special sensitivity and exposure to pesticide chemicals.

(10) If not, why not?

Not applicable.

(11) If so, why is this legislation necessary?

EPA supports the goal of limiting unnecessary exposure to children from pesticides and respects the authority of Congress to impose restrictions beyond the current regulatory program.

(12) List the products that would be impacted by this amendment?

As stated earlier, the products correlate with those on Group 1 of EPA's tolerance reassessment schedule. A copy of that schedule of information is enclosed.

(13) Describe the nature of the products in a range from threatening to benign that would be affected by this amendment?

Pesticides which were included in Group 1 were those that EPA identified as appearing to pose the greatest risk to public health. The Agency did not distinguish among products in this group in terms of their potential effects.

(14) Do any of these products have positive benefits to children's health?

When used according to label directions many of these products could be used for pest control, sterilization of medical instruments, or other uses potentially beneficial to children.

(15) If so, is there any risk to children if Congress prevents the availability of these products?

EPA is not sufficiently aware of DoD's pest control needs to make that determination. To make a proper assessment, the Agency would need to know what products are used, and how they are used so that alternatives could be considered. It should be noted that through EPA's Pesticide Environmental Stewardship Program, DoD has committed to moving toward pesticide alternatives and less use of pesticides, or use of less toxic pesticides. DoD has been recognized by EPA for their tremendous progress in this area.

(16) What is the availability and cost of substitute products?

Again, EPA would need to know more about the DoD's pest control needs to make that determination.

(17) Are any of the products affected by this amendment products that were NOT restricted in an equivalent way by the chlorpyrifos agreement announced by EPA last week?

There would be many other products affected that were not part of last week's agreement, although chlorpyrifos products would be part of the list of affected pesticides.

(18) If so, which products/uses permitted under the chlorpyrifos agreement would not be permitted under this amendment?

This would require detailed knowledge of DoD pest control needs, but might affect any of the pesticides under Group 1, including chlorpyrifos.

(19) Did EPA consult with DoD prior to the 6/13/00 letter to coordinate the Administration's view on the amendment?

EPA did not formally consult with DoD in preparing this specific letter. The letter stated that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted earlier, however, the amendment has not been subject to a full review by the Administration.

(20) Is EPA, in general, supportive of Congress substituting its own judgment in place of that of EPA's by bypassing the existing regulatory system that relies on science and is already in place?

EPA respects the role of Congress to enact laws and conduct oversight on their implementation by the Administration. EPA stands ready to work with Congress to ensure the necessary pest control tools are available while minimizing unnecessary risk.

(21) In general, is EPA supportive of broad new regulatory requirements added as legislative provisions to appropriations bills without the benefit of public hearings and if so why was this amendment not opposed on that basis?

In general, the Administration opposes riders to appropriations bills that weaken environmental protections. As stated above, EPA supports the goal of limiting unnecessary exposure of children to pesticides. This is consistent with the emphasis of FQPA's mandate to protect infants and children.

Mrs. BOXER. I would also like to place into the RECORD a letter from EPA stating that the agency supports the goals of my amendment.

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

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, June 13, 2000.

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

DEAR SENATOR BOXER: Thank you for the opportunity to express the views of the U.S. Environmental Protection Agency on your amendment to the appropriations bill for the Department of Defense. This amendment would prohibit the expenditure of funds for the preventative application of certain categories of hazardous pesticides in areas owned or managed by the Department of Defense, if the area may be used by children. Examples of such areas include: parks, base housing, recreation centers, and day care facilities.

The EPA strongly supports the goal of the proposed amendment to prevent unnecessary exposure of children to highly hazardous pesticides. We consider protection of children from unnecessary exposure to pesticides to be one of our highest priorities. Before EPA registers a new pesticide for any use, we evaluate its potential human health effects, including effects on children, using the best scientific data available. We conduct an extensive scientific evaluation to ensure that pesticides will not cause short-term effects, such as skin and eye irritation, or more persistent effects, such as birth defects, reproductive system disorders, and cancer.

As you know, the Food Quality Protection Act of 1996 (FQPA) directs EPA to bring the same scientific scrutiny to the review of all pesticides previously approved for food use so that we can be sure that we are providing the full measure of protection for children. Under the FQPA, the Agency has identified the pesticides which appear to pose the greatest risk to public health. These pesticides, which receive the highest priority for reassessment, include the categories identified in the Boxer-Reed amendment: organophosphate, carbamate, and organochlorine pesticides, potential human carcinogens, and neurotoxic compounds.

EPA stands ready to work with the Department of Defense and other federal agencies to design safe, effective methods of pest control that do not lead to unacceptable exposure of children to these hazardous materials.

Sincerely,

MICHAEL MCCABE,
Acting Deputy Administrator.

Mrs. BOXER. Contrary to statements you have heard today, EPA is not opposed to my amendment.

Now, the Senate is already on record as voting for this before by a vote of 84–14. I hope we will see that type of a vote today. I just have to say this. There are scare tactics being used that say if there is an emergency, they could not use the highly toxic pesticides targeted by my amendment. Untrue. We have drawn up this amendment in such a way that only applies to the routine, preventive use. So please support us.

The children in this country are counting on us to protect them. The National Academy of Sciences has told us that children are vulnerable to the dangers posed by the pesticides targeted by my amendment. Most important, the NAS has told us that current EPA standards don't protect our children from those dangers. At a minimum, we should protect our children. Please vote aye.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I stated before that this approach proceeds on the outrageous assumption that the Clinton-Gore-Browner administration in EPA is not doing its job of regulating pesticides. Children would be placed at risk if we banned these pesticides. And contrary to what was said in the DOD debate, EPA does not support the underlying amendment.

I ask unanimous consent that a June 30 letter from EPA, which states they have not reviewed it, be printed in the RECORD.

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

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, June 30, 2000.

Hon. ROBERT SMITH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for forwarding follow up questions to the June 13, 2000 nomination hearing of Mr. James Aidala before the Senate Committee on Environment and Public Works. Enclosed are the questions with the Administration's responses. Should you require any additional

information, please contact me, or your staff may contact Ron Bergman at 564–3653.

Sincerely,

DIANE E. THOMPSON,
Associate Administrator.

Enclosures.

ENCLOSURE 1

(1) Is it accurate that EPA supports enactment into law of amendment #3308 as written?

As you are aware, EPA stated in a letter to Senator Boxer dated June 13, 2000, that EPA supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration, nor has the Administration taken a position on the amendment.

(2) If EPA supports elimination of the products restricted in amendment #3308, please outline and supply the scientific studies and other scientific basis in detail which influenced your judgment.

EPA supports the goal of limiting unnecessary exposure to children of pesticides. EPA is ready to work with the Department of Defense (DoD) and others to craft effective methods of pest control that will minimize exposures to children. In fact, there is already a foundation of success to build on in this regard. In 1996, EPA and DoD entered into a memorandum of understanding to form a partnership to promote environmental stewardship by adopting integrated pest management strategies. This effort has resulted in significant reductions of pesticide use by DoD.

The categories of pesticides included in the amendment correlate with Group 1 of EPA's schedule for tolerance reassessment, consisting of pesticides which appear to pose the greatest risk to public health. A copy of the Federal Register Notice explaining the division of pesticides into groups is enclosed. The Agency is giving priority to the review of these pesticides through its tolerance reassessment process and will take appropriate action upon completion of the review. To date, the Agency has reviewed approximately 3,485 of the 9,721 existing tolerances. When the Agency determines, after extensive scientific review, that the risks posed by a pesticide do not meet the FQPA standards it will move to eliminate the risk. For example, last August, the Agency negotiated agreements with the manufacturers of methyl parathion and azinphos methyl to either eliminate or reduce application rates on foods to address such unacceptable risks. Meanwhile, many of the pesticides included in the amendment are still undergoing reassessment.

(3) If EPA opposes the amendment, supports changes to the amendment, or has concerns with the amendment, why was that no expressed in the letter?

As stated above, the June 13 letter reaffirms EPA's support for the goal of the amendment. Beyond that, the Administration has not taken a position on the amendment.

(4) If the letter is neither supportive or in opposition to the amendment, what was the purpose of the letter?

Immediately after the June 13 confirmation hearing, EPA was asked by Senator Boxer to provide its views in writing on the amendment prior to the secluded floor consideration of the amendment. As Mr. Aidala testified, the amendment had not received Administration review. Given the limited time available, the Agency stated its support for the goal of protecting children from unnecessary pesticide exposure and to explain our current activities in that area. We also expressed our willingness to work closely with the DoD on this issue

(5) Were you aware of this letter at the time of your testimony and if so, why was it not referenced before the Committee?

At the time of Mr. Aidala's testimony, EPA was not preparing a letter, it was only upon the conclusion of the hearing that a request was received from Senator Boxer for such a letter. At the time of the hearing, Mr. Aidala was only aware that Senator Boxer was considering introducing such an amendment.

(6) If you were not, were you subsequently consulted?

Mr. Aidala was subsequently informed that EPA's Office of Congressional and Intergovernmental Relations received a request from Senator Boxer to clarify EPA's views

(7) If you were not consulted, why were you not consulted.

Not applicable.

(8) Please reconcile your testimony with the letter.

The letter and, to the best of our understanding, Mr. Aidala's testimony state that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration.

(9) Does EPA already protect children on military bases from harmful pesticides?

The protection of children is one of our highest priorities. When we register, reregister, or reassess tolerances for existing pesticides we try to ensure that our actions are protective of all consumers, especially children. FQPA requires special protections for infants and children including: an explicit determination that tolerances are safe for children; an additional safety factor, if necessary, to account for uncertainty in data relative to children; and consideration of children's special sensitivity and exposure to pesticide chemicals.

(10) If not, why not?

Not applicable.

(11) If so, why is this legislation necessary?

EPA supports the goal of limiting unnecessary exposure to children from pesticides and respects the authority of Congress to impose restrictions beyond the current regulatory program.

(12) List the products that would be impacted by this amendment?

As stated earlier, the products correlate with those on Group 1 of EPA's tolerance reassessment schedule. A copy of that schedule of information is enclosed.

(13) Describe the nature of the products in a range from threatening to benign that would be affected by this amendment?

Pesticides which were included in Group 1 were those that EPA identified as appearing to pose the greatest risk to public health. The Agency did not distinguish among products in this group in terms of their potential effects.

(14) do any of these products have positive benefits to children's health?

When used according to label directions many of these products could be used for pest control, sterilization of medical instruments, or other uses potentially beneficial to children.

(15) If so, is there any risk to children if Congress prevents the availability of these products?

EPA is not sufficiently aware of DoD's pest control needs to make that determination. To make a proper assessment, the Agency would need to know what products are used, and how they are used so that alternatives could be considered. It should be noted that through EPA's Pesticide Environmental Stewardship Program, DoD has committed to moving toward pesticide alternatives and less use of pesticides, or use of less toxic pesticides. DoD has been recognized by EPA for their tremendous progress in this area.

(16) What is the availability and cost of substitute products?

Again, EPA would need to know more about the DoD's pest control needs to make that determination.

(17) Are any of the products affected by this amendment products that were NOT restricted in an equivalent way by the chlorpyrifos agreement announced by EPA last week?

There would be many other products affected that were not part of last week's agreement, although chlorpyrifos products would be part of the list of affected pesticides.

(18) If so, which products/uses permitted under the chlorpyrifos agreement would not be permitted under this amendment?

This would require detailed knowledge of DoD pest control needs, but might affect any of the pesticides under Group 1, including chlorpyrifos.

(19) Did EPA consult with DoD prior to the 6/13/00 letter to coordinate the Administration's view on the amendment?

EPA did not formally consult with DoD in preparing this specific letter. The letter stated that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted earlier, however, the amendment has not been subject to a full review by the Administration.

(20) Is EPA, in general, supportive of Congress substituting its own judgement in place of that of EPA's by bypassing the existing regulatory system that relies on science and is already in place?

EPA respects the role of Congress to enact laws and conduct oversight on their implementation by the Administration. EPA stands ready to work with congress to ensure the necessary pest control tools are available while minimizing unnecessary risk.

(21) In general, is EPA supportive of broad new regulatory requirements added as legislative provisions to appropriations bills without the benefit of public hearings and if so why was this amendment not opposed on that basis?

In general, the Administration opposes riders to appropriations bills that weaken environmental protections. As stated above, EPA supports the goal of limiting unnecessary exposure of children to pesticides. This is consistent with the emphasis of FQPA's mandate to protect infants and children.

Mr. BOND. Mr. President, there are great efforts in the EPA to protect children. They have special protections for infants and children. These products are important for sterilization of medical instruments, pest control, and other uses that are potentially beneficial to children.

I yield the remaining time to the Senator from Kansas.

Mr. ROBERTS. Mr. President, I agree with the intentions of the amendment by my distinguished friend and colleague from California.

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

Mr. ROBERTS. All of us should support Senator BOND.

Thank you very much.

The PRESIDING OFFICER. The question is on amendment No. 3912 to amendment No. 3885. The yeas and nays have been ordered. The clerk will call the roll. The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

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

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—41

Akaka	Feinstein	Mikulski
Bayh	Fitzgerald	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Reed
Bryan	Hollings	Reid
Byrd	Inouye	Robb
Cleland	Kennedy	Rockefeller
Collins	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Lautenberg	Snowe
Dodd	Leahy	Torricelli
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Feingold	Lugar	

NAYS—58

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Baucus	Grams	Nickles
Bennett	Grassley	Roberts
Biden	Gregg	Roth
Bond	Hagel	Santorum
Breaux	Hatch	Sessions
Brownback	Helms	Shelby
Bunning	Hutchinson	Smith (NH)
Burns	Hutchison	Smith (OR)
Campbell	Inhofe	Specter
Chafee, L.	Jeffords	Stevens
Cochran	Johnson	Thomas
Craig	Kerrey	Thompson
Crapo	Kyl	Thurmond
DeWine	Landrieu	Voinovich
Domenici	Lincoln	Warner
Edwards	Lott	
Enzi	Mack	

NOT VOTING—1

Coverdell

The amendment (No. 3912) was rejected.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I ask unanimous consent to address the Senate for 30 seconds.

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

Mr. STEVENS. Mr. President, I remind Senators that the two models of the World War II memorial that will be on The Mall are down in S–128 with people there to explain. It will come before the Fine Arts Commission this week for a final approval. Senator INOUYE and I have been to see it. We urge Members to see the memorial and understand it. I think it will become a controversial subject in the near future.

AMENDMENT NO. 3885, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the underlying BOXER amendment, as amended.

The amendment (No. 3885), as amended, was agreed to.

CITY OF CRAIG, ALASKA

Mr. STEVENS. Mr. President, I would like to engage the distinguished manager of the Interior appropriations bill in a short colloquy regarding a provision of interest to me. My amendment provides an appropriation to recompense an Alaskan community for its inability to receive a municipal land entitlement under the Alaska Statehood Act and Alaska state laws.

The city of Craig is a small town located on the southern end of Prince of Wales Island in southeast Alaska. It is the only community in southeast Alaska which was unable to receive a municipal entitlement under Alaska state law. This is a result of a 20-year process in the 1960s and 1970s by which the U.S. Forest Service and State of Alaska could not agree on the process for State selections under the Alaska Statehood Act at Craig.

In 1971, Congress passed the Alaska Native Claims Settlement Act. ANCSA authorizes the Secretary of Agriculture to work with the State ''for the purpose of effecting land consolidations or to facilitate the management or development of the land. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the properties exchanged.''

Despite this authority, the implementation of the act in southeast Alaska simply resulted in Alaska Native land selections completely surrounding Craig. Under ANCSA, these selections are not taxable or subject to condemnation unless the land is developed. As a result, Craig and its residents of about 2,500 people live on only 300 acres of privately and municipally owned land. This is insufficient as a tax base to support the community. My colleague and chairman of the Energy and Natural Resources Committee introduced S. 1797 to solve this problem. That bill which I cosponsored and which has passed the Senate unanimously would provide a land grant to Craig of approximately 4,300 acres.

However, I recently have been informed by the administration that it believes a direct monetary grant to Craig is a better way to resolve this situation. The amendment which is to be added to the bill would provide for this payment.

Mr. MURKOWSKI. Mr. President, as chairman of the Energy and Natural Resources Committee, I held a hearing on this issue and on S. 1797—that bill will provide a grant of lands. While I would be happy to have that bill passed into law, I plan to work to that end. However, to assure that Craig is not left with nothing, I would also support this solution. It is my hope that one of these two approaches can be accomplished this year.

My committee's hearing provides a clear record that Craig is in a unique position being the fastest growing city in Alaska and the regional center for Prince of Wales Island. The city fathers are struggling to keep up with the demands for services as people from all over the island move to Craig looking for work. The city submitted its financial records which showed its problems. Our committee responded with S. 1797.

Mr. GORTON. The Senator is correct that this amendment would provide for such a payment. I am happy to accept this amendment from my colleagues from Alaska.

FISH AND WILDLIFE SERVICE

Mr. LEVIN. Mr. President, I congratulate the chairman and ranking member of the Appropriations Committee for presenting the Senate with an Interior appropriations bill which addresses so many of the Indian, natural resource, and energy issues confronting America today. I also want to reiterate my support for a program of great interest to me and my colleagues from the Great Lakes states.

The Great Lakes Fish and Wildlife Restoration Act authorizes funding for a grants program for the implementation of fish and wildlife restoration projects recommended in the Great Lakes Fishery Resources Restoration Study. Enthusiasm for this program has been high and proposals for grants have exceeded available funds. Nevertheless, the Administration has proposed discontinuation of these grants in its budget request. I thank the chairman and ranking member for recognizing the value of Great Lakes fish and wildlife restoration grants and maintaining funding for these grants at this year's $398,000 level.

I would like to ask the distinguished ranking member if, should additional funds become available, he would consider increasing the grants funding for the Great Lakes Fish and Wildlife Restoration Program by an additional $500,000?

Mr. BYRD. Mr. President, I want to thank the distinguished Senator from Michigan and our colleagues from the Great Lakes states for highlighting the importance of Great Lakes Fish and Wildlife Restoration grants to the chairman and myself. We are pleased to recommend continuation of this program which is so vital to the fish and wildlife of the Great Lakes. I assure the Senator that the conferees will keep this program in mind, should additional funds become available for the appropriations in this bill.

Mr. LEVIN. I thank my friend from West Virginia.

FUNDING FOR NATIONAL PARKS

Mr. LEVIN. Mr. President, as the Senate considers the Fiscal Year 2001 Appropriations Act for the Department of Interior and Related Agencies, I wonder if the distinguished Senator from West Virginia would answer two questions regarding funding for the National Park Service?

Mr. BYRD. I would be pleased to offer my views about this bill to my friend from Michigan.

Mr. LEVIN. I am aware that the bill before us contains funding for Operations of the National Park System in the amount of $1,443,795,000, which is more than $80 million above the Fiscal Year 2000 level. I am also aware that approximately $25.6 million has been provided for increases in the base operating budgets of more than 80 parks and related sites, including increases of $325,000 for Isle Royale National Park and $850,000 for Keweenaw National Historic Park. I greatly appreciate that the chairman and ranking member have been able to provide these amounts. I must say to my colleagues, though, that there is also a significant

need for operating increases at other Michigan parks such as the North Country National Scenic Trail and Sleeping Bear Dunes National Lakeshore. I would like to ask the distinguished Senator from West Virginia whether such additional needs, including those above the President's request, will be considered in conference, or, in the event additional resources are not available, whether he would consider a reallocation of operational funds for Michigan parks?

Mr. BYRD. While the increases provided in the bill for base operating increases are essentially spoken for, I will certainly be mindful of the needs identified by the Senator should additional funding become available in conference.

Mr. LEVIN. I thank the Senator from West Virginia for his answer, and if he will indulge me a few moments more, I would like to also inquire about land acquisition funding for the National Park Service.

First let me say that, while the administration did not include the Sleeping Bear Dunes National Lakeshore in its Fiscal Year 2001 land acquisition request, I nevertheless appreciate your support, Senator BYRD, in obtaining $1.1 million for acquisition of the LaPorte property. I would ask, however, if the Senator would be willing to consider in conference a second request of $4 million for purchase of the Barratt property at Sleeping Bear Dunes should additional funds become available as the appropriations process continues?

Mr. BYRD. Again, I thank the Senator for his question. As my friend from Michigan may know, the Interior subcommittee received over 2,000 Member requests for funding for particular projects, accounts or activities. It is not an easy task, of course, to strike a satisfactory balance between the thousands of requests on the one hand, and the subcommittee's limited resources on the other. However, I am aware that the Sleeping Bear Dunes National Lakeshore is of great importance to the Senator from Michigan and the people he represents, and I was therefore pleased to be able to secure funding for the LaPorte land acquisition. I can also assure my friend that I will carefully consider his Barratt property request should additional resources become available later in the year.

Mr. LEVIN. As always, I appreciate the courtesy of the distinguished Senator from West Virginia.

CAT ISLAND

Mr. COCHRAN. Mr. President, as the distinguished chairman of the subcommittee may be aware, Cat Island is the last remaining private island that lies outside the Gulf Islands National Seashore. Located so close to the mainland, Cat Island has many natural and recreational resources that make it an attractive target for development.

For the past couple of years, the owners of this property have been extremely patient while working with the Mississippi delegation and the National Park Service to ensure that their property is included in the Gulf Islands National Seashore, while competing development offers have been on the table. H.R. 2541 has passed the House of Representatives, allowing the Park Service to acquire this tract. A companion bill, S. 2638, is now pending here in the Senate, where I hope it will move forward expeditiously and be enacted this year.

Because this process has taken longer than expected, it is now critical that funding for the first phase of this project be provided this year through the Land and Water Conservation Fund should the enabling legislation be enacted. There is $2,000,000 in the House-passed Interior Appropriations bill which is a good start, but it provides well below the amount needed for Phase I of this project. In fact, the first phase will require $10 million. Therefore, I request the chairman's assistance in working with me to fund the first phrase of Cat Island, providing that additional funding be made available as the Interior appropriations bill moves toward conference.

Mr. GORTON. The report accompanying this bill reflects the willingness of the committee to consider funding for acquisition of Cat Island, Mississippi, should the enabling legislation be enacted this year. I understand the urgency of this project and the need to provide adequate funding this year. With this in mind, should additional allocations be made available for this bill as it moves through the process, I will work with the Senator to ensure that this worthy project receives our full consideration.

Mr. COCHRAN. I appreciate the Chairman's consideration of my request and his willingness to work with me both last year and this year to further this important project. I hope that the enabling legislation will be completed by the time the Interior bill reaches conference and that we can work together to make Cat Island a success this year.

BLACK LIQUOR GASIFICATION

Mrs. LINCOLN. Mr. President, I want to thank the distinguished gentlemen from Washington and West Virginia for their leadership in shepherding this bill through Committee and to the floor. I recognize that the Committee was faced with requests that went far beyond the Committee's budget, and I commend the leaders for successfully balancing the myriad of requests with which they were presented.

I want to bring to my colleagues' attention one particular program that I believe is worthy of additional funding in Conference. Would the Senator from West Virginia agree that encouraging the forest and paper products industry to achieve greater energy efficiency is a worthy goal?

Mr. BYRD. Yes, I would agree that is a worthy goal.

Mrs. LINCOLN. Since we agree with that goal, I am sure the Senator shares my support for a program within the Department of Energy that will encourage the forest and paper products industry to utilize resources that are readily available on site to produce energy. By utilizing wood and bark residues and spent pulping liquor in a process called black liquor gasification, the industry could potentially improve on site electricity generation by 300%–400% over existing cogeneration systems. Given these benefits, would the Senator agree that increasing funding for the black liquor gasification program should be pursued in Conference?

Mr. BYRD. Yes, I share the Senator's support for the program and will support efforts to find additional funding for the program.

Mrs. LINCOLN. I thank the gentleman.

INDIAN TRUST SERVICES PROGRAMS

Mr. INOUYE. Mr. President, resolving Indian trust management issues should be one of the foremost priorities of this Congress. Ever since the passage of the Dawes Act in 1887, serious problems have plagued the Federal government's trust management efforts. Due to recent congressional interest and support, the Department of the Interior has been able to make significant progress in reforming its trust management systems. Working in collaboration, the Bureau of Indian Affairs and the Office of the Special Trustee are:

Instituting a national, state of the art, trust asset management system;

Implementing a revised Trust Management Improvement Project High Level Implementation Plan; and

Instituting improvements in systems, operations, and policies that will help ensure that the Federal government meets its fiduciary obligations to Indian Tribes and individual American Indians.

The subcommittee's efforts to provide full funding for the Trust Management Improvement Project under the Office of the Special Trustee should be applauded. However, I am very concerned that the Senate mark does not fully fund the Bureau of Indian Affair's trust services programs. All of our efforts to reform trust management could become meaningless if BIA can't sustain these reforms by providing the funding and staffing to properly manage the trust land that produces trust income, to produce accurate and timely land title information, and provide timely closing of long open estates.

I would like to work with the gentleman from Washington, Senator GORTON, and other concerned members, as the budget process continues, to provide additional resources for BIA's trust programs if funds become available.

Mr. GORTON. Mr. President, I would be pleased to work with the gentleman on that endeavor.

Mr. INOUYE. I would like to thank the Chairman from Washington State for his support. I look forward to working with him to secure the resources

necessary to institutionalize and maintain trust management improvements in the future.

RED MOUNTAIN PROJECT

Mr. CAMPBELL. Mr. President, I take this opportunity to express my support for the acquisition of Red Mountain in my home state of Colorado. This site should be preserved because of its mining history and natural beauty. I look forward to working with the chairman of the Interior Subcommittee to ensure its funding in the future.

Mr. ALLARD. I would like to engage the chairman briefly on an important Land and Water Conservation project in my state of Colorado called the Red Mountain project. Specifically, the first phase of the project owned by Idarado Mining Co.

Mr. GORTON. I would be happy to oblige the Senator.

Mr. ALLARD. The Red Mountain project, located in the communities of Silverton and Ouray Colorado, is a top priority for the U.S. Forest Service this year.

Red Mountain is a 10,500 acre site that is one of the most nationally renowned scenic and historic resources in Southwestern Colorado. Before the Silver Crash in 1893, Red Mountain was a vibrant mining town, home to thousands of miners and their families, living in four communities and working dozens of rich silver mines. Today, the remnants of this community have been designated by Ouray and San Juan Counties as a historical landmark, and just named one of the National Trust for Historic Preservation's 11 most endangered sites in America. In addition, Red Mountain contains extensive habitat for endangered species as well as other sensitive species. The area offers an abundance of recreation opportunities to one million visitors annually—from hiking, biking and four-wheel driving to cross country skiing and mountaineering.

As you may know, this year although the Forest Service recommended $10 million in its FY01 budget for a Colorado project called Silver Mountain, we have received correspondence from the Forest Service indicating that this project is no longer viable. In addition, the U.S. Forest Service has further indicated that the Red Mountain project is a top priority for funding this year. Therefore, I urge you to consider allocating the $10 million from the Silver Mountain project to the Red Mountain project as the Interior bill moved toward conference.

Mr. GORTON. Unfortunately, due to our subcommittee's allocation, there was not enough room in the Senate mark to cover many good Land and Water Conservation Fund projects. As the bill moves forward, if there is an opportunity to reconsider this project, I will make every effort to do so especially given the unusual circumstance surrounding the FY01 US Forest Service budget request. With the budget flexibility provided by the Forest Service in its recent correspondence, I feel confident that this will help the Red Mountain project as the bill moves forward.

Mr. ALLARD. I sincerely appreciate the Chairman's consideration of my request and understand the predicament he was in with respect to his allocation. Given the immediate needs of this project, I appreciate the Chairman is willing to work with me to find ways to fund the first phase of the Red Mountain project this year.

Mr. GORTON. I will continue to work with you toward that end.

LINCOLN PRESIDENTIAL LIBRARY

Mr. FITZGERALD. Mr. President, I would like to take this opportunity to ask the Chairman of the Interior Appropriations Subcommittee about the Abraham Lincoln Presidential Library that is planned for construction in Springfield, Illinois.

Currently, the Nation is without an institution that honors the legacy of one of our greatest Presidents, Abraham Lincoln. The Lincoln Library would serve as museum and interpretive center, allowing visitors and scholars to learn about the events that shaped Lincoln's life and the contributions that he made to the history of our country.

Mr. DURBIN. I join my colleague from Illinois in recognizing the need for a Lincoln Library. Twelve Presidents, as well as Confederate leader Jefferson Davis, currently have presidential libraries. Abraham Lincoln, as the man who preserved the Union, truly deserves such an institution where people from around the world can learn about his great achievements.

This project enjoys tremendous support at the federal, state, and local levels. The entire Illinois Congressional Delegation, the Illinois General Assembly, and City of Springfield have all expressed their strong support for this library to be completed. The State of Illinois has contributed $50 million, and the City of Springfield $10 million, to begin construction on the interpretive center. In addition, the Lincoln Library received $3 million from the FY 2000 Interior Appropriations Bill. While these federal funds are greatly appreciated, we need a stronger federal commitment to make sure construction of the Library can get underway. I would like to ask the Senator from Washington if there is any possibility to receive increased funding from the FY 2001 Interior Appropriations Bill for this important endeavor.

Mr. GORTON. I understand the importance of the Abraham Lincoln Presidential Library to my colleagues from Illinois, their constituents, and the nation. While the Lincoln Library is an important project, the Interior Appropriations Subcommittee has received many important requests, for Fiscal Year 2001, that have received precedence, due to the fact that they have been authorized.

The Lincoln Library project is a worthy project, and if the project receives authorization, the Committee will again review the project and give it strong consideration.

Mr. BYRD. I agree with the Chairman of the Subcommittee.

SECTION 326 OF HR 4578

Mr. KERRY. Mr. President, I would like to clarify for the record the intent of language included in Section 326 of the Interior Appropriation fiscal year 2001 bill. I want to point out that interagency coordination of Federal resources is desirable and certainly something many of us have been supporting as a way to eliminate wasteful bureaucratic redundancies. We don't want to spend money in Washington duplicating positions and processes. We want money in the field helping local communities. The language in Section 326 refers to the American Heritage Rivers Initiative, which is coordinated by an interagency committee that serves that purpose for communities seeking technical assistance and opportunities for Federal grants. I would like to point out that this initiative has proven to work well for the participating communities in my state and others.

It is my understanding that this language does not prohibit Federal agencies funded through this appropriation from working on or coordinating with each other to support American Heritage Rivers projects. Further, I understand that this language does prohibit the use of resources derived from this bill for funding personnel, training or administration of the activities of the Council on Environmental Quality.

Mr. L. CHAFEE. The Senator is correct. This language does not prohibit coordination by Federal agencies funded in the bill. It also is not intended to penalize or disadvantage communities that seek or apply for grants from agencies funded on the bill. Section 326 is limited to prohibiting funding transfers for the Council on Environmental Quality or the Executive Office of the President. Would the Chairman and the Ranking Member agree with this interpretation?

Mr. GORTON. Yes.

Mr. BYRD. Yes.

COLLABORATIVE FOREST RESTORATION

Mr. BINGAMAN. Mr. President, I would like to take this opportunity to engage Senator DOMENICI, Senator GORTON, and Senator BYRD in a brief colloquy at this time.

Mr. DOMENICI. Of course.

Mr. BINGAMAN. I would like to clarify that it is your intent that $5 million of the emergency funds available through amendment 3782 will be used to implement the Collaborative Forest Restoration Program in New Mexico. This program will be authorized by a bill, S. 1288, that Senator DOMENICI and I introduced together. It already passed the Senate last November and will be considered by the full House Resources Committee next week. This program creates a mechanism through which people with varied interests will be able to work cooperatively with the

Forest Service to conduct forest restoration and value-added projects. Improving communication and joint problem solving among individuals and groups who are interested in restoring the diversity and productivity of forested watersheds can assist us in our efforts to address the problem posed by communities at risk from catastrophic wildfire.

Mr. DOMENICI. Yes, that is correct. However, I would note that the emergency needs for on-the-ground work on fuel reduction in New Mexico are very great. I understand that the agencies could use more than $50 million in emergency dollars for projects ready to go in New Mexico by the end of the year. The Collaborative Forest Restoration Program will help promote additional projects for fuel reduction. Considering the terrible toll fires have taken in the state, I hope our federal land management agencies will use as much as possible in this emergency funding to decrease the risk in New Mexico urban-wildland interface communities.

Mr. GORTON. That is my understanding as well.

Mr. BYRD. Yes, I agree with you that $5 million of the emergency funds will be used to implement the Collaborative Forest Restoration Program.

Mr. BINGAMAN. Thank you all for the clarification.

SAINT CROIX ISLAND

Ms. COLLINS. Mr. President, the year 2004 will mark the 400th anniversary of a small French settlement on Saint Croix Island, located in the Saint Croix River, which forms the boundary between the State of Maine and Canada. The 1604 settlement was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia. Many view the expedition that settled on the Island as the beginning of the Acadian culture in North America.

Mr. GORTON. I am aware of the historical significance of the 1604 settlement of Saint Croix Island and would note that the Island is the only international historic site in the National Park System.

Ms. COLLINS. I want to thank you for your invaluable support of efforts to commemorate the Saint Croix Island site. Last year's Interior Appropriations bill included my sense-of-the-Senate language that the National Park Service should take what steps are necessary to ensure that appropriate exhibits are completed by 2004. This year's Appropriations Committee mark includes $200,000 in the U.S. Fish and Wildlife Service construction budget to assist with the Downeast Heritage Center. The Center, which we will make every effort to complete in time for the 2004 celebration, will allow state and federal agencies and other partners in the project to interpret the French settlement efforts at Saint Croix Island and other historical, recreational, and cultural aspects of Downeast Maine.

Mr. GORTON. I have been pleased to support your efforts to commemorate the Saint Croix Island settlement, including your work on the Downeast Heritage Center. I would note that the National Park Service is scheduled to undertake major improvements to its site at Red Beach beginning in fiscal year 2002. I support this effort as well.

Ms. COLLINS. A major, international celebration is expected to commemorate the Saint Croix Island settlement's 400th anniversary. Pursuant to a memorandum of understanding signed by the U.S. Department of the Interior and the Canadian Department of the Environment, Parks Canada has worked diligently to prepare for the event. I am concerned that we have not been as enterprising and now face the very real possibility of being less than fully prepared for the 2004 celebration. Indeed, the National Park Service has informed me that it requires planning money in fiscal year 2001 in order to ensure that the Downeast Heritage Center will be completed in time. I have introduced authorizing legislation, S. 2485, that would permit the National Park Service to join with other public and private entities to construct the Center. That bill has been reported out of the Senate Committee on Energy and Natural Resources. I have every hope that the bill will become law this year. Mr. Chairman, as the FY 2001 Interior Appropriations bill goes to conference, I would ask that you do what you can to add $340,000 to the National Park Service construction budget so that it can assist this year in the planning of the Downeast Heritage Center with an eye to its completion by 2004.

Mr. GORTON. I want to thank the Senator from Maine for again bringing this matter to my attention. I understand the importance of this matter to the State of Maine and to a much broader, international community. I also understand the importance of providing funds soon enough to allow completion of the Downeast Heritage Center in time for the 2004 commemoration. I will be pleased to do what I can to see that your request is considered fully in conference.

Ms. COLLINS. I want to thank my good friend again. I know he, in particular, appreciates the value of preserving our nation's history and its cultural heritage.

Mr. LEVIN. Mr. President, we have before the Senate the Fiscal Year 2001 Appropriations Act for the Department of Interior and Related Agencies.

I want to express my support for the American Heritage Rivers Initiative. This bill contains a provision that prohibits funds in the Act from being given to or used to provide support for the Executive Office of the President in coordinating the American Heritage Rivers. It also prevents the Council on Environmental Quality from receiving funds and support to coordinate and oversee the initiative.

The American Heritage Rivers Initiative, which redirects federal resources without new spending, has greatly improved the Detroit River, a designated American Heritage River, through shoreline development and protection of wetlands. In the ten months that the River Navigator for the Greater Detroit American Heritage River has been in operation, over $1 million has been acquired for Detroit River projects. This program also assists communities in the use of Federal resources to help communities revitalize parks—to help celebrate their history and their heritage.

This initiative needs our support and full participation and I strongly oppose any language which would put this program in jeopardy.

NATIONAL PARK SNOWMOBILE BAN

Mr. CRAIG. Mr. President, I rise to express my concern over this egregious and unjustified action by the Department of the Interior that will have severe negative economic consequences on citizens and communities in Idaho and many other states around the country. The Department has announced that it intends to ban recreational snowmobile use in virtually every national park that now allows them, although snowmobiles have been an established use in these parks for more than four decades. This announcement was made by Interior Assistant Secretary Don Barry on April 27th in an orchestrated press conference that amounted to a public lynching of the snowmobile community. This new policy was made without consultation with Congress, the snowmobile manufacturers, the nearly four million snowmobile users, or with the many gateway communities to the national parks that are dependent on business generated by snowmobile visitors. Although Assistant Secretary Barry claimed that this ban is necessary because of air pollution, noise and wildlife disturbance caused by snowmobiles, the truth is that there is simply no evidence that snowmobiles cause such harm. In fact, in a shocking admission before the U.S. Senate Energy and Natural Resources Committee Mr. Barry conceded that snowmobiles had never been found in violation of any environmental standard in any national park. I understand Mr. Barry has since left the Department to be employed by the Wilderness Society, an organization that has actively advocated the exclusion of snowmobiles from national parks.

The major snowmobile manufacturers have made great progress in producing machines that are cleaner and quieter than ever before. The manufacturers, the snowmobile users and the gateway communities are willing to work with the Department of the Interior to develop reasonable plans and programs to achieve agreed to environmental goals. I believe this is the best course for the Department to follow.

I bow to no one in my love for our majestic national parks. I fully support reasonable and reasoned efforts to protect and preserve them. But to ban

snowmobiles completely in the national parks is totally unnecessary. It is an abuse of bureaucratic power, and it is the duty of Congress to uphold the law and prevent this from taking place.

I feel it is important for all to understand that snow machines do not run roughshod over the national parks as has been stated on the floor. Travelways are designated and adhered to. The issue of where snowmachines travel is a matter of management by the park service, not of whether or not they should be in our national parks. I ask unanimous consent that a letter from Dr. Lori Fussell that explains a number of misconceptions on pollution from snowmobiles be printed in the RECORD to clarify several of these issues.

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

ENVIRONMENTAL ENGINEERING & RESEARCH,
Wilson, WY, June 5, 2000.

Hon. JAMES V. HANSEN,
Chairman, Subcommittee on National Parks and Public Lands,
House of Representatives, Washington, DC.

COMMENTS ON TESTIMONY GIVEN AT THE MAY 25, 2000 HEARING HELD BY UNITED STATES HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS, REGARDING SNOWMOBILE USE IN NATIONAL PARKS

I am writing to you today because I have had the opportunity to read through some of the testimony offered at the May 25, 2000 hearing held by the U.S. House of Representatives' Subcommittee on National Parks and Public Lands regarding snowmobile use in National Parks. And, in my expert opinion, some of the testimony regarding pollution from snowmobiles was incorrect or misleading. I feel a need, in the interest of good science, to providing information to the Subcommittee to correct these errors.

Before I go into details, let me make several points about the information contained in this letter. First, the intent of this letter is simply to correct misinformation that was presented to the Subcommittee. I am not being paid by any organization to submit my opinion to you and I have no personal interest in the outcome of the hearings. I am not a snowmobiler and do not particularly care for snowmobiles as they presently exist. In fact, I was the first person to publish any scientific research on exposure to snowmobile pollution and believe very strongly that actions must be taken to significantly reduce snowmobile emissions in our National Parks. Human exposure to snowmobile pollution in Yellowstone National Park (YNP), in particular, is unacceptable. However, I believe just as strongly that decisions about emissions are reduced (visitor limits, technological improvements, and/or banning snowmobiles) should be based on accurate information.

Second, I do not any way want to imply that the testimony given to the Subcommittee by any individual or organization was intentionally incorrect or misleading. There is a lot of information circulating about pollution from snowmobiles. It is difficult to separate fact from fiction.

Third, I have established myself as an expert in the field of snowmobile emissions. I have attached my Curriculum Vitae to this letter as documentation of my credentials and will be happy to provide further documentation of my experience in this area. My comments will be limited to the information presented regarding snowmobile pollution. I do not have the expertise necessary to comment as an ''expert'' on any other issue regarding snowmobile use in the National Parks.

Fourth, I do not have access to all of the testimony given at the hearings. I only have copies of the statements prepared by the following individuals: Michael Scott, Kevin Collins, Sean Smith, Mark Simonich, Donald Barry, Kim Rapp, Michael Forsman, Jerry Johnson, and Teri Manning. Therefore, my comments are limited to the testimony offered by these individuals. While I can not comment on any information presented by any other individual at this time, I would be happy to do so if this information were provided to me.

The rest of this letter will simply outline information related to pollution from snowmobiles contained in the above testimonies that I find requires clarification or correction. In each case, I will list direct quotes from testimonies in italics. I will then reference the specific testimony in parenthesis at the end of the quote. My response and explanation will follow.

I. TESTIMONY

''*Carbon monoxide levels in the (Yellowstone) park currently exceed National Ambient Air Quality Standards and will continue to be exceeded unless snowmobiles are removed.*'' Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

''*It is their position* (the Wyoming Department of Environmental Quality) *that there have been no documented violations of the Clean Air Act within Yellowstone National Park. Not Ever.*'' (Testimony of Kim Raap, Manager, Wyoming State Trails Association)

''*The DEIS issued by the Park Service confuses data collected for personal exposure measurements (50 ppm) to the ambient air quality standards. The Montana Ambient Air Quality Standard (MAAQS) 1 hour-maximum CO standard is 23 ppm as monitored according to the standard. Let me clearly state, air quality standards, both federal and the more stringent Montana standards, have not been exceeded in Yellowstone National Park. The DEIS incorrectly states that this happened. While air quality did reach 90% of the Montana standard last winter, the standard was not exceeded.*'' (Testimony of Mark Simonich, Director, Montana Department of Environmental Quality)

Response

The testimony given by the Greater Yellowstone Coalition (GYC) clearly contradicts the testimony of the Wyoming State Trails Association (WSTA) and the Montana Department of Environmental Quality (MDEQ). Who is correct? WSTA and MDEQ are correct. There is no data to support the claim that ambient air in Yellowstone National Park (YNP) is violating National Ambient Air Quality Standards (NAAQA) for carbon monoxide (CO).

So, if NAAQS have not been violated in YNP, what is the problem with emissions from snowmobiles in YNP? The problem is that research conducted by both the National Park Service (NPS) and me have shown that YNP employees and snowmobilers can be *exposed* to high levels of CO. And, since the presence of CO indicates a probable presence of hydrocarbon emissions, the potential exists for significant air toxic exposure as well.

NOTE. A comprehensive study of employees and visitor exposure to pollution from snowmobiles is due to be published by Dr. Norm Kado of the University of California at Davis in the upcoming months. The information contained in this report is not currently available to the public.

Explanation

The NAAQS for CO is 35 parts per million (ppm) for a one-hour sampling period and 9 ppm for an eight-hour sampling period. (The state of Montana one-hour CO standard is 23 ppm, stricter than the federal standard.) A violation of NAAQS is recorded if the standard is exceeded more than once in a year.

In order for data to be used to determine compliance with NAAQS, it must be collected according to standardized sampling methods outline in The Code of Federal Regulations, Title 40, Parts 53 and 58. Sampling locations must meet proper siting criteria in order to assure that the data is representative of ambient air. The sampling criteria include placing the sampling probe at a height of approximately ten feet and at a distance of at least seven to thirty feet from the edge of the nearest traffic lane. Additionally, the probe must be at least 33 feet from the nearest intersection.

There is currently a properly sited and maintained CO monitor located at the West Entrance to Yellowstone National park, operated by the Montana Department of Environmental Quality (MDEQ). And, while relatively high CO measurements have been recorded by the MDEQ, they have never exceeded the national or Montana standards.

So, why do some organizations believe that NAAQS have been exceeded in Yellowstone National Park? The MDEQ testimony explains this. Many organizations continue to confuse data taken to determine personal exposure to snowmobile pollution with data taken to determine degradation of ambient air.

CO samples have been taken by the park service (on the roadway) at the West entrance to Yellowstone National Park (YNP) and on the road between West Yellowstone and Old Faithful. I have personally taken CO samples on the roadway at Flagg Ranch, the south entrance to YNP. CO concentrations collected on these roadways have reached levels in excess of 35 ppm for a 1-hour time period. However, data collected on a roadway should not and can not be interpreted as indicative of overall ambient air quality. It is only indicative of personal exposure. It can not be used to determine compliance with NAAQS.

2. TESTIMONY

''*The highest carbon monoxide levels in the nation were recorded at Yellowstone's West Entrance during winters in the 1990s.*'' (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

Response

This statement is false.

Explanation

As mentioned in the explanation of Testimony #1, the MDEQ operates properly sited and maintained CO monitoring station at the West Entrance of YNP. And, no state or federal standards for CO have ever been exceeded at this location. The location is classified by the Environmental protection agency (EPA) as ''in attainment''.

As of August 10, 1999 the Environmental Protection Agency lists 20 areas in the United States as Nonattainment areas for CO pollution (this information can be found in the EPA Green Book at http://www.epa.gov/oar/oaqps/greenbk/cnsum.html). These areas of the United States clearly have a larger CO problem than does the West Entrance of Yellowstone National Park.

NOTE: Perhaps this testimony refers to exposure data taken at the West Entrance of Yellowstone. If so, this testimony would still be false. There are instances of CO exposures nationwide that exceed the CO exposure concentrations measured at West Yellowstone and Flagg Ranch. In his text, *Automobiles and Pollution* (Published by the Society of Automotive Engineers, 1995), Paul Degobert states that ''up to 250 ppm of CO can be

found inside passenger compartments'' of automobiles. Again, I must stress that is not appropriate to compare NAAQS data to exposure data.

3. TESTIMONY

''*One snowmobile emits 225 times more carbon monoxide than an automobile. One snowmobile emits 1000 times more hydrocarbons than an automobile.*'' (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

Response

This statement is false.

Explanation

In February of this year, the National Park Service Air Resources Division (NPS ARD) issued a report titled, ''air Quality Concerns Related to Snowmobile Usage in National Parks.'' Of this report, the Greater Yellowstone Coalition (GYC) writes:

''*The final report was checked and validated by scientists involved in the original research. That review, combined with the depth and breadth of the studies (they began in 1995 and covered emissions, ambient levels of pollutants, deposition of pollutants in the snowpack, human exposure and more) make the report the most comprehensive and credible assessment of Yellowstone's air pollution to date.*'' (GYX website, 6/2/00, http://hosts2.in-tch.com/www.greateryellowstone.org/wintcruse.html)

I agree with the GYC assessment of the February 2000 NPS ARD report.

The NPS ARD report estimates that ''a snowmobile operating for 4 hours, using a conventional 2-stroke engine, can emit between 10 and 70 times more carbon monoxide and between 45 and 250 times more hydrocarbons than an automobile driven 100 miles.'' These NPS ARD estimates are significantly different than the estimates in the above GYC testimony.

4. TESTIMONY

''*These (two-stroke) engines create dangerous levels of airborne toxins including nitrogen oxides, carbon monoxide, ozone, particulate matter, aldehydes, 1,3 butadiene, and extremely persistent polycyclic aromatic hydrocarbons (PAHs).*'' (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

''*Nitrogen Oxides (NO_X)* and hydrocarbon emissions from snowmobile two-cycle engines are also a major concern due to their contribution to ground level ozone.'' (Testimony of Sean Smith, Public Lands Director, Bluewater Network)

Response

While most of the pollutants listed above are emitted from two-stroke engines, oxides of nitrogen (NO_X) and ozone are not pollutants of concern with respect to snowmobile emissions.

Explanation

• Two-cycle engines (including those used by snowmobiles) emit less NO_X than four-stroke engines (including those used by automobiles).

The February 2000 NPS ARD report estimates that only 2% of the NO_X pollution in YNP comes from snowmobile engines (with the remainder of the NO_X pollution coming from automobiles, busses, snow coaches, and recreational vehicles). Although the NPS ARD report does not compare the NO_X emissions from an automobile to the NO_X emissions from a snowmobile, it does contain the data necessary to make this comparison. I did the calculations (using the same methodology used in the NPS ARD report to compare automobile and snowmobile CO and UHC emissions) and came up with the following: one automobile emits 1.5 to 6.8 times as much NO_X as one snowmobile.

Low NO_X emissions from snowmobile engines are confirmed by emission data taken at the South West Research Institute (summarized in the NPS ARD report) and also by snowpack chemistry analysis performed by George Ingersoll of the United States Geological Survey. Ingersoll's paper titled, ''Snowpack Chemistry as an Indicator of Pollutant Emission Levels from Motorized Winter Vehicles in Yellowstone National Park'' (published at the Western Snow Conference in 1997) concludes ''that regional activities—not local snowmachine traffic—seem to be controlling nitrate deposition.''

• Ozone, as the Bluewater Network testimony correctly states, is not emitted by snowmobiles. Ozone is formed via a photochemical reaction between NO_X and volatile organic compounds (VOCs are a specific class of unburned hydrocarbons). While snowmobiles do emit a significant amount of VOCs, NO_X emissions from snowmobiles are minimal (as explained previously).

Even when NO_X are present in significant amounts in areas frequented by snowmobiles (from regional sources) the cold temperatures in which snowmobiles operate are not conducive to ozone formation. ''Strong sunlight and hot weather cause ground-level ozone to form in harmful concentrations in the air'' (from *Ozone: Good Up High, Bad Nearby*, EPA/451K–97–002, October 1997). Snowmobiles operate at temperatures near freezing and below.

For the reasons listed above, significant ozone formation due to pollution from snowmobiles is not a potential problem.

5. TESTIMONY

''*Recent tests conducted by the SouthWest Research Institute confirm that the two stroke engines of snowmobiles emit hundreds of times more pollution than a modern automobile.*'' (Testimony of Sean Smith, Public Lands Director, Bluewater Network)

Response

This statement can not be substantiated. The Southwest Research Institute (SwRI) has not published the statistic cited.

Explanation

The SwRI reports cited above only contain data on snowmobile engine emissions. They do not contain a comparison of snowmobile and automobile emissions.

In order to make the comparison between snowmobiles and automobiles, one must make a series of assumptions regarding snowmobile and automobile usage. The results of the comparison are highly dependent upon the assumptions made.

The best estimates available that compare snowmobile and automobile emissions are contained in the February 2000 NPS ARD report. The NPS ARD report bases its calculations on the SwRI data. As I stated before, the report estimates ''a snowmobile operating for 4 hours, using a conventional 2-stroke engine, can emit between 10 and 70 times more carbon monoxide and between 45 and 250 times more hydrocarbons than an automobile driven 100 miles.'' Additionally, NO_X emissions from automobiles are 1.5 to 6.8 times greater than NO_x emissions form snowmobiles.

6. TESTIMONY

''*Given current levels of snowmobile use in Yellowstone National Park, this* (discharge of 25–30% of the fuel mixture from a snowmobile engine) *translates into the equivalent of five tanker truck loads of gasoline being dumped along park roads each winter.*'' (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

''*Snowmobile emissions are deposited directly onto the snowpack of the parks. This snowpack pollution translates directly into pollution of the parks' waters as the snow melts. Snowmobiles each year emit the equivalent of five tanker truck loads onto the snowpack of Yellowstone.*'' (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

About 5000 gallons of gasoline and 250 quarts of 2 cycle oil was spilled by National Park Service snowmobiles alone.'' (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

Response

It is ludicrous to compare potential water quality impacts from snowmobile emissions to the catastrophic environmental devastation associated with a tanker spill.

Explanation

The fate and transport of pollutants in the environment is a very complex field of study. However, it does not take a scientist to realize that if most of the unburned fuel and oil from snowmobiles is emitted in gaseous form (as air pollution), the total hydrocarbon pollution emitted by snowmobiles in YNP will not be found in the snowpack.

Only a percentage of the total snowmobile hydrocarbon pollution is deposited onto the snowpack. George Ingersoll (''Effects of snowmobile Use on Snowpack Chemistry in Yellowstone National Park'', United States Geological Survey, 1998, Water Resources Investigations Report 99–4148) has measured elevated levels of hydrocarbon pollution in snowpacks near snowmobile use. However, he reported that these elevated hydrocarbon levels ''were lower, in general, than concentrations at hundreds of locations nationwide representing a full spectrum of watershed settings ranging from subalpine to urban.''

In his 1998 investigation, Ingersoll also performed a preliminary analysis of snowmelt runoff in YNP. He concluded that ''snowmelt runoff chemistry from five of the snow-sampling sites indicated that elevated emission levels in snow along highway corridors (used by snowmobiles in YNP) are generally dispersed into surrounding watersheds at concentrations below levels likely to threaten human or ecosystem health.'' He also concluded that ''localized, episodic acidification of aquatic ecosystems in these high snowmobile-traffic areas may be possible, but verification will require more detailed chemical analyses of snowmelt runoff.''

Bottom line, the data shows some percentage of snowmobile hydrocarbon emissions (the unburned fuel and oil) ends up in snowpack along roadways. And, some percentage of this snowpack pollution will later be found in the snowmelt (most volatile organic compounds will tend to volatilize into the gaseous phase during the spring melt-off). To date, no data has been collected that shows snowmelt pollution from snowmobiles at concentrations likely to threaten human or ecosystem health. Only a potential for localized, episodic acidification has been reported in the scientific literature. Clearly, this potential, localized, episodic acidification does not pose the same environmental risk as that of a tanker spill in Park waters.

NOTE: I am aware that a more detailed investigation of water quality impacts from snowmobiles was undertaken over the winter of 1999–2000 in YNP. The results of this study may provide new information regarding water quality impacts from snowmobiles. However, a report on this research has not yet been published and I do not have access to the raw data.

7. TESTIMONY

''*The components of snowpack pollution from snowmobile emissions can include toxic compounds such as MTBE (a fuel additive), and polycyclic acromatic hydrocarbons (PAHs) such as benzene, xylene, toluene, and formaldehyde.*'' (Testimony of Michael D. Scott, Program Director, Greater Yellowstone Coalition)

Responses

This is a true statement, but it requires clarification for proper perspective.

Explanation

The components of snowpack pollution from snowmobile emissions can include the toxic compounds listed above. However, the mere presence of a pollutant does not indicate environmental degradation. The pollutant must also be present at concentrations that are high enough to be of concern (even oxygen can be considered a toxic compound at high concentrations . . . but it does no harm to us at lower concentrations). As described in the explanation for Testimony #6, George Ingersoll (''Effects of Snowmobile Use on Snowpack Chemistry in Yellowstone National Park'', United States Geological Survey, 1998, Water Resources Investigations Report 99–4148) did find elevated levels of hydrocarbon pollution in snowpacks near snowmobile use. However, he reported that these elevated hydrocarbon levels ''were lower, in general, than concentration at hundreds of locations nationwide representing a full spectrum of watershed settings ranging from subalpine to urban.'' And his preliminary research found that ''snowmelt runoff chemistry from five of the snow-sampling sites indicated that elevated emission levels in snow along highway corridors (used by snowmobiles in YNP) are generally dispersed into surrounding watersheds at concentrations below levels likely to threaten human or ecosystem health.'' So, despite the fact that these compounds can appear in the snowpack, they have not yet been found in high enough concentrations to cause concern.

8. TESTIMONY

''*Unburned fuel (emitted by snowmobiles) contains many toxic compounds including benzene, toluene, xylene, and the extremely persistent suspected human carginogen MTBE (methyl tertiary butyl ether).*'' (Testimony of Michael D. Scott, Program Director, the Greater Yellowstone Coalition)

''*Contaminants released by two-stroke snowmobile engines include polycyclic aromatic hydrocarbons (PAH) and methyl tertiary butyl ether (MTBE).*'' (Testimony of Kevin Collins, Legislative Representative, National Parks and Conservation Association)

Response

These are true statements, but they require clarification for proper perspective.

Explanation

Methyl tertiary butyl ether (MTBE) is a fuel additive that is required in many areas to increase the oxygen content in fuels. This is done in an effort to reduce hydrocarbon and carbon monoxide pollution from automobiles and other mobile sources. MTBE is also added to fuels (in smaller concentrations) by some refineries to boost octane rating. MTBE can only be emitted by snowmobiles if the fuel they are burning contains MTBE as a additive. Snowmobile engines to not ''manufacture'' MTBE.

The Minnesota Pollution Control Agency issued a press release on January 18, 2000 that states ''gasoline in Minnesota does not contain MTBE as an additive''. Therefore snowmobiles in Minnesota (the site of Voyageurs National Park) do not emit MTBE as a pollutant.

None of the other states with significant National Park snowmobile usage (Michigan-Pictured Rocks, Montana-Yellowstone, and Wyoming-Grand Tetlon and Yellowstone) require the use MTBE as an oxygenate in fuel. Fuels in these states are oxygenated with ethanol, if oxygenated fuels are being used to curb air pollution (as in West Yellowstone, Montana). However, the states of Michigan, Wyoming, and Montana do allow the use of MTBE as an octane booster. Therefore, it is probable that some percentage of the fuel sold in these states does contain MTBE.

A fact sheet on MTBE from the Michigan Department of Environmental Quality (available at http://www/deq.state.mi.us/std.mtbe.html) reports that a 1998 survey of Michigan fuel revealed that five percent of the fuel sampled in Michigan contained MTBE. I have not located any statistics on the amount of MTBE added as an octane booster to Montana and Wyoming.

NOTE: MTBE has been detected in the snowpack along snowmobile traffic corridors in Yellowstone National Park (George Ingersoll, 1998 study previously cited), indicating that some of the fuel sold in Montana and Wyoming does, in fact, contain MTBE concentrations found in the snowpack were not high enough to cause concern.

9. TESTIMONY

''*While we are fully supportive of the development of cleaner and quieter* (snowmobile) *technology, to date, there are no definitive, comprehensive studies which document the degree to which four-stroke engines will mitigate the adverse impact that snowmobiles have on our parks.*'' (Testimony of Donald J. Barry, Assistant Secretary, Fish Wildlife and Parks, Department of the Interior.

Response

This is a true statement. However, in September of this year I will be publishing information about snowmobile emission and noise reductions that were attained with the use of a four-stroke engine. The information is summarized below.

Explanation

As the organizer and co-founder of the Society of Automotive Engineers Clean Snowmobile Challenge 2000 (a non-partisan student design competition to improve snowmobile emissions and noise) I offer the following results as a glimpse at what is possible in a short amount of time, using existing technology. In doing so, I do not attempt to define what emissions or noise levels are appropriate in National Parks. I am simply reporting what has been documented as an easily implemented improvement over the status-quo.

The University at Buffalo, State University of New York, won the SAE CSC2000 with a four-stroke snowmobile that was designed and manufactured in less than 5 months by a team of undergraduate engineering students. When compared to a traditional two-stroke snowmobile, the four stoke entry reduced hydrocarbon emissions by more than 99.5% (NOTE: We could not detect the snowmobile's hydrocarbon emissions. The 99.5% reduction cited represents the limit of detectability of the test method). Carbon monoxide emissions were reduced by 46%. Fuel economy was increased to 27.6 miles per gallon (a 226% improvement). The sound level (measured 50 feet from the road at wide open throttle) measured just 66.8 dbA. This sound level reduction corresponds to an 80–90% reduction in the distance snowmobiles can currently be heard in National Parks.

Detailed information on the SAE CSC2000 is currently available on the competition website at: http://www.sae.org/students/snow.htm. The results will also be available in a peer-reviewed paper I am writing, scheduled for publication on September 11, 2000.

Thank you, Representative Hansen, for the time you have taken to read this lengthy letter. I will be happy to answer any questions you or other Subcommittee members might have and provide further documentation of the facts contained in this letter.

Sincerely,

LORI M. FUSSELL.

SNOWMOBILING IN NATIONAL PARKS

Mr. JOHNSON. Mr. President, I rise today to join my colleagues in this important discussion concerning the National Park Service's recent proposal to substantially curb recreational snowmobile use within the national park system.

I believe that virtually everyone can agree that snowmobile use in national parks must be carefully managed in a manner which balances legitimate recreational needs with a concern for public safety and environmental protection. Nobody argues that snowmobiles should be allowed in every area of every park and without regard for noise, speed or numbers. But at the same time, snowmobiling is a recreational option that should not be totally banned or limited in an unreasonable manner.

I appreciate that the National Park Service has now ''clarified'' its earlier statements which created the impression that an across-the-board ban on snowmobiles in all parts of all parks was about to be established. The Park Service tells us that rather than a ban, it wants to curtail snowmobile use on park lands.

I will follow this new approach carefully. Again, few South Dakotans have objections to reasonable rules designed to protect the environment, protect wildlife habitat and address issues of noise, safety and numbers. But regulations to properly address these matters do not require a total ban or draconian limitations on snowmobile use. I will urge the National Park Service to listen to all segments of the American public in a careful, thoughtful manner and seek to strike a sensible balance that will protect our natural heritage but also allow for reasonable and well-managed winter recreation opportunities for all our citizens. It certainly would be better for the National Park Service to administratively arrive at balanced final rules, than to necessitate legislative action on the part of Congress. If legislation is ultimately required on this matter, I will work with both my House and Senate colleagues in a bipartisan manner to secure a balanced final resolution of this issue.

Mr. DOMENICI. Mr. President, Friday morning, July 12th, the House of Representatives passed the Valles Caldera Preservation Act by a vote of 377–45, and it will soon be signed by the President.

Later this month, the Secretary of Agriculture will take possession of the Baca ranch. He will be charged with the task of managing the Valles Caldera National Preserve for an interim period until the Trust is appointed.

In order for the Preserve to be opened to the public at the earliest possible time, the Secretary and the Trust will have to complete a substantial inventory, put together interim plans, and provide for the immediate requirements of basic public safety and law enforcement.

The Department of Agriculture has provided us with a breakdown of proposed activities over the next year, and estimates that they will need about

$990,000 to prepare the Preserve for an eager public, over half of which will go into planning and law enforcement activities.

Once the Trust takes over, hopefully in about 6 months, funds will transfer to them, so that they can take over management responsibilities for the Preserve.

The $990,000 will be taken out of the budget of the Department of the Interior Solicitor's office, the bureaucrat who recently issued an opinion to federalize several reclamation projects in New Mexico.

Mr. MCCAIN. Mr. President, each year I carefully review the annual Interior appropriations bill to analyze how the Federal Government is meeting its fiscal obligations and priorities to protect our nation's resources and provide needed funding for Native American programs. I commend the Interior subcommittee chairman, Senator GORTON, and the ranking member, Senator BYRD, for their hard work in completing this year's funding recommendations that will provide critical funding for National Parks, energy programs, the Indian Health Service, and the other resource management responsibilities within the Department of Interior.

Unfortunately, the appropriations committee has also continued the irresponsible practice of loading up an important bill such as this one with unrequested, low-priority earmarks and legislative riders. This Interior appropriations bill has once again become the target for members to tack on parochial spending for their own special interest projects. In this bill, I found nearly $280 million for porkbarrel spending projects, a level that is unacceptably higher than previous years.

This type of unnecessary and low-priority spending is particularly egregious since each agency within the Department of Interior is struggling to meet its statutory responsibilities to protect our nation's parks, wildlife refuges and trust obligations to Native Americans. These agencies all report exceptionally large, multimillion backlogs for maintenance and repairs. Yet, instead of directing funding to substantially eradicate these backlogs, the appropriations committee instead chooses to divert federal spending toward locale-specific earmarks that either were not included in the budget request, increase funding above the requested level for other specific projects, or fund unauthorized projects.

I recognize that various communities around the country look to the federal government to help protect them against wildfire threats or set aside funding to preserve open space to build parks for their children. Many of the projects in this bill will no doubt address some of these important needs and are deserving of federal investments. However, I fail to understand why it is necessary to load up this bill with erroneous earmarks that appear to pander more to special interests rather than address our highest resource management needs. I believe that we should abide by our established budget procedures by allocating federal assistance to those projects that undergo a normal, merit-based prioritization process that protects the interests of the American taxpayer, and employs the most cost-effective approach.

While individually, the amounts earmarked for these projects may not seem substantial, collectively they add up to unmitigated pork. Where does some of this pork go?

An increase of $600,000 is included for the Alaska Sealife Center for an eider recovery research program, a center which already received supplemental funding in the recently passed Military Construction conference agreement. Other locale-specific earmarks include $200,000 for a direct pass-through grant to Long Live the Lings to coordinate the various hatchery managers and governmental jurisdictions in Washington state; $500,000 to continue with the retrofit of the research vessel (the R/V) Sturgeon) for use by the Great Lakes Science Center; $5,000,000 for maintenance and snow removal on the Beartooth Highway; and, an increase of $500,000 above the requested level for the Smithsonian Astrophysical Observatory (SAO) to begin construction of a base facility at Hilo, Hawaii in conjunction with the SAO Submillimeter Array initiative.

These projects may be important to the local communities for which they are targeted, but are they really the highest national priorities? Are these projects fundamental to carrying out the resource management functions of the Interior Department? Unfortunately, it matters little since I, nor the majority of my colleagues, had any input about whether funding these projects is the wisest and best use of Federal dollars.

We further abandon our budget principles by funding projects that have not been authorized by Congress. For example, the proposed Wheeling National Heritage Area in West Virginia has been the recipient of an annual earmark for the past several years, including a recommendation for a $500,000 earmark in this bill. While this does not appear to be problematic, what is not well known is that this particular heritage area has not yet been authorized by Congress. This flies directly in the face of the statement by the Interior appropriations committee which specifically pointed out that it would not fund projects unless Congress authorized them. Again, this project itself is not necessarily objectionable to me and may have good reason to be funded. But what is appalling is that these funds are specifically earmarked for a project not yet authorized, thereby clearly sidestepping a process that other heritage area projects are expected to adhere to in order to receive federal assistance.

It is also alarming to find, buried in this bill, a specific earmark of two million dollars to the Sealaska Corporation to develop an ethanol manufacturing facility in Alaska, the purpose of which is intended to support a declining timber industry in the Alaska region. To further assist these impacted communities in Alaska, an additional five million earmark is provided for a three year timber supply for the Tongass National Forest, language added securing preferential treatment of Alaska's surplus red cedar for sales abroad, and hundreds of thousands more are directed to other forest management activities to benefit the Alaskan region.

I admit that I am not an authority on the matters affecting local communities in Alaska. However, what I take particular exception to is the fact that this earmark benefits the ethanol industry, a fiscal boondoggle industry that already reaps substantial benefits from existing federal subsidies at the expense of taxpayers. It is a blatant insult to taxpayers to ask them to supplement the ethanol industry even more by spending two million to build one ethanol manufacturing facility for a region that is receiving more than adequate fiscal attention.

With the many identified priorities stated by the subcommittee members, such as addressing wildfire emergencies and health care for Native Americans, little to no information is provided as to why certain organizations are deserve of direct earmarks, such as $176,000 for the Kawerak Reindeer Herders Association, and one million for the National Conservation Training Center. With no information to explain the national importance of these programs, I find it troubling that the subcommittee tends to specifically favor certain organizations for funding when these organizations should also be subjected to a competitive and merit-review process.

As I stated before, there is undoubtably considerable merit to some of the programs for which funding is earmarked in this bill. However, until Congress ends the typical arbitrary spending which violates the integrity of the federal budget process, I have no choice but to highlight the practice of adding and earmarking funds for programs and activities that appear to serve narrowly tailored interests at the expense of the national interest.

Even in this time of an unprecedented budget surplus, we have a responsibility to the American public to exercise fiscal responsibility and discretion rather than allowing this type of unchecked spending to continue. It is shameful the way we are squandering the public's trust and money, and it will be the burden of the taxpayers to shell out the $280 million for needless and wasteful spending included in this bill.

The list of objectionable provisions in this bill that I compiled is more than 19 pages long and is unfortunately too lengthy to print in the RECORD.

However, the list is available from my Senate office.

Mr. DODD. Mr. President, I am pleased to join with my colleagues Senators LIEBERMAN, SNOWE, JEFFORDS, LEAHY and TORRICELLI in offering an amendment to the Interior Appropriations for FY 2001. Our amendment would provide $4 million in funding for the maintenance of a Northeast Home Heating Oil Reserve, with an offset of $3 million from the Strategic Petroleum Reserve (SPR) Petroleum account and $1 million from the Naval Petroleum and Oil Shales Account.

This amendment is critically important to the people of Connecticut and throughout the Northeast because most homes and many schools and businesses rely on oil for heating. Last winter, the Northeast region was gripped by cold weather and skyrocketing oil prices.

Last week, the President issued a directive to establish a heating oil reserve in the Northeast by exchanging crude oil from the Strategic Petroleum Reserve for 2 million barrels of heating oil to be stored across the Northeast. In addition, the Secretary of Energy transmitted a permanent plan that must lay before Congress for 60 days. Our amendment would fund the maintenance of that reserve and we will continue to work with the members of the Energy Committee to authorize a trigger that is appropriate to the Northeast situation.

Mr. President, with increased demand for gasoline and refineries at or near capacity, experts agree that heating oil stocks will remain low going into the winter season. Even now, the heating oil stocks are more than 60 percent lower than last year. The writing is on the wall.

This amendment will mean that the heating oil reserve will be maintained. Heating oil will be stored within the Northeast. Residents of my state need not have to choose among filling their oil tanks, putting food on the table, paying for their medication or paying the rent or mortgage.

I thank my colleagues, especially Chairman GORTON and Senator BYRD for their interest in this amendment and I urge its immediate acceptance.

Mrs. FEINSTEIN. Mr. President, Today I want to express my support for the NEA which plays an important role in preserving our culture and is funded in this bill.

The bill before us provides $105 million for the NEA, an increase of $7.3 million over FY 2000. This is of vital importance to the survival of the arts in both California and in the United States. National interest in the arts continues to increase. The number of artists in America has more than doubled since 1970. Today, the arts industry supports nearly 1.3 million jobs nationally; 391,200 indirectly, and 908,800 directly.

Despite this growth, the United States still spends nearly 50 times less on the arts than in any other countries: While the U.S. spends $6.00 per person on the arts, the United Kingdom spends $26.00; France spends $57.00; Finland spends up to $91.00.

In 1999, NEA funded projects in every county in the state of California, awarding 210 grants totaling $5.6 million. To date, in FY 2000, the NEA has provided 225 grants in California, totaling $7.3 million.

Here are three examples of how the National Endowment for the Arts helps preserve our national cultural heritage.

This year, the NEA awarded a grant to the City of San Diego Commission for Arts and Culture to support the Living Traditions Initiative. Living Traditions teaches a wide array of skills in music, dance, language arts, history, folklore, crafts and visual arts though classes, publications, recordings and the broadcast media.

In 1999, the NEA funded a collaborative project of the Brooklyn, New York, Historical Society to increase public access to visual materials documenting Prospect Park, the location of the 1776 Battle of Long Island, the first major conflict between the Continental and British Armies in North America, following the signing of the Declaration of Independence. The project will increase a historic image database, produce a guide for the database and make it Internet accessible.

In 1999, the NEA funded Documentary Arts, Inc. of Dallas, Texas, to support a series of films that explore the complexity of American life through the spoken word and community-based sounds of folk artists across the country.

Preserving national and community culture is one way to encourage patriotism and a sense of community that can help combat the apathy that keeps people from actively involving themselves in the daily life of their community.

The NEA can be a force to engage the imagination. The NEA funds arts education for children, such as these:

The Magic Theater in San Francisco, promotes the Young California Writers Project, an educational program designed to support young playwrights.

Class Act is a music education program in Orange County, California, elementary and middle schools supported by NEA.

Stagebridge in Oakland, California, provides a literacy program for both children and adults.

The National Book Foundation does literary outreach to link leading authors with underserved communities throughout the country. For example, American Voices brings established writers to American Indian reservations nationwide and conducts a summer writing camp for inner-city teens and adults.

The MoveSpeakSpin program in Santa Cruz, California uses dance education activities as a tool in teaching curriculum subjects in math and science, subjects which often are difficult for children to learn.

Given the demands on our school budgets in California, many school districts in California were forced to cut funding for music and art programs from their schools' curriculums. NEA funding in the schools helps assure that our children will still have access to arts education.

Additionally, students who participate in the arts do notably better on standardized testing. Research from the 1995–1997 College Entrance Examination Board shows that students who studied the arts scored an average of 83 points higher than non-art students on the SAT.

Arts can also provide a constructive outlet for young people. A three-year research study of YouthARTS, funded by the NEA and the U.S. Department of Justice in 1999, demonstrated that arts programs help decrease youth delinquency. Several NEA-funded projects have demonstrated this:

NEA awarded a grant to the Richmond Art Center in California to support expansion of the ''Art Reach'' program for at-risk youths in West Contra Costa County.

Creative Links: Positive Alternatives for Youth funds residency projects across the nation in which young people work with artists after school and during the summer. Programs are supported through arts organizations, community centers, low-income housing projects, tribal communities and juvenile facilities.

By encouraging at-risk teens to express themselves through art instead of antisocial behavior, the NEA can help deter delinquency.

For much of American history, art has been considered to be a ''luxury'' of the elite. Through traveling programs and other outreach programs, the NEA has made art accessible for Americans in all corners of the nation and to all economic strata. Here are some examples in California:

The Rural Journeys Project, run partially by Independent Eye, Ltd. in Sebastopol provides residencies that offer performances from the repertoire and workshops to rural communities nationally.

A grant to the Humboldt Arts Council in Humboldt supports a consortium of multi disciplinary arts workshops and activities to rural, low-income populations.

A Fresno Arts Council program compiles and assesses data on the state's artistic resources, including identification of traditional artists, and the creation of a database and report on artistic resources and needs.

NEA has opened up the artistic world to the visually and audibly impaired.

Deaf West Theater Company in North Hollywood supports a multi-disciplinary production of ''Oliver,'' the musical, and production workshops in schools that serve deaf and disadvantaged youth.

ARTREACH, Inc. of Philadelphia, Pennsylvania, creates a Cultural Access Guide for the Disabled for the

Greater Philadelphia region. The guide describes architecture and art for the physically disabled, blind, deaf, and hard of hearing populations to cultural venues.

Many private organizations which fund art base their grants on the profitability of an artist or on their organizations' goals. The NEA gives special attention to underrepresented groups. Here are two examples:

The NEA-funded Women's Philharmonic supports women conductors and music directors in leading national orchestras.

The San Francisco group, American Indian Contemporary Arts, with NEA funding, mounts thematic exhibitions of contemporary Native American artists' work.

Art is a ''language'' which crosses lines of race, ethnicity, culture, age, education, geography, and disability. Many of the projects which the NEA funds promote an understanding of our nation's diverse heritage:

The Hmong Cultural Arts, Crafts, Teaching & Museum project in California provides instruction in Hmong Pa Dao embroidery and instruction in the ancient musical instruments of Kheng and Xee Xo.

The Lake Tahoe Arts Project produces the Ballet Folclorico do Brasil

The American Musical Theater of San Jose produces ''Musicals in the Neighborhood,'' multi-lingual musical performances that focuses on universal themes.

Supporting arts representing different cultures is especially important to my state, the state with the most diverse population in the nation. Currently, California has 12 percent of the total population in the United States, 33 percent of the Hispanic population, 37 percent of the Asian/Pacific Islanders population, 7 percent of the African-American population, and 13 percent of the American Indian population. California is the true melting pot. By funding arts which express many cultures, the NEA helps to foster cultural understanding among these many groups.

The NEA provides Americans with valuable cultural programs, with an impact far beyond art. Through its work, the NEA has made great contributions to preserving American culture, educating American citizens, and assuring equal access to the arts and arts funding. To continue reaping these benefits, we must continue to support the NEA.

Mr. BYRD. Mr. President, with final passage of the Fiscal Year 2001 Interior and Related Agencies Appropriations Act, I wish to take a moment to thank all Senators for their time and effort in helping to make this important measure a better product. As I have frequently noted, crafting the Interior bill is not an easy charge. Weighing the thousands of Member requests that come in to the Interior subcommittee against the limited resources made available to us is an arduous task, indeed.

Yet, this year, as in past years, that job has been handled with great skill by the subcommittee chairman, Senator GORTON. My friend from Washington is, I can say unequivocally, the best subcommittee chairman I have ever had the pleasure of working with. His dedication to duty, his graciousness under fire, and his commitment to working with me in a bipartisan manner are simply unparalleled. Moreover, the fact that this legislation will be adopted by the Senate by an overwhelming vote is testament, I believe, to the incredible job done by the distinguished subcommittee chairman.

Let me also extend my appreciation to all subcommittee staff, in particular, Bruce Evans, who serves Senator GORTON in an efficient and capable manner. And, on the minority side, I wish to offer a special thanks to Peter Kiefhaber. Although this young man has been on my staff for more than eight years, this is his first year working for the Appropriations Committee. In the span of less than 6 months, he has worked hard, distinguishing himself not only to me, but obviously to other Members of the Senate, who have told me personally of his good work.

Finally, let me again thank all Senators and say that I look forward to working with the subcommittee chairman as we proceed to conference with the House of Representatives.

Mr. GORTON. I ask for the yeas and nays on final passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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 the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

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

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—97

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

NAYS—2

Feingold Wellstone

NOT VOTING—1

Coverdell

The bill (H.R. 4578), as amended, was passed.

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BURNS, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BYRD, Mr. LEAHY, Mr. HOLLINGS, Mr. REID, Mr. DORGAN, Mr. KOHL, and Mrs. FEINSTEIN conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, at the closing of this bill, this is one more opportunity for me to thank my colleague, Senator BYRD, for his guidance, cooperation, and many courtesies in moving this bill through to final passage. He has been very complimentary of me. I can simply say that much or most of what I have learned about managing a bill I have learned from the distinguished Senator from West Virginia, and I hope he regards me as an apt pupil.

I also thank his staff for all of their hard work. The minority clerk, Peter Kiefhaber, who is new to this job, has been a tremendous asset to the subcommittee and has been a forceful advocate for Members on his side of the aisle. Peter has been ably assisted by Carole Geagley of the minority staff, and by Scott Dalzell, who has been with us on detail from the U.S. Fish and Wildlife Service.

My own subcommittee staff has also had the benefit of an agency detailee—Sheila Sweeney from the Forest Service. Sheila has kept her good humor even while struggling to track the thousands of Member requests that the subcommittee receives from Members of this body. We have enjoyed having her with us. She has been extremely productive.

The subcommittee professional staff on my side has done yeoman work: Ginny James, Leif Fonnesbeck, Joe

Norrell, and Christine Drager, who is in her first year with the subcommittee. All have contributed to making the passage of this bill a relatively smooth process, something I think speaks well of their dedication, professionalism, and knowledge of the programs and issues in this bill.

Finally, of course, there is my chief subcommittee aide, Bruce Evans, who has guided this bill in each of the years that I have worked on it. I could not possibly have any better staff. I am certain that no Member of the Senate has better, more dedicated, or more effective staff in seeking passage of a particular bill.

I also thank Kari Vander Stoep of my own personal staff for her outstanding work on the issues in this bill that are of particular importance to the people of the State of Washington.

As many hours as we put in here on the floor, each of these individuals has spent that multiplied by 10 in late nights and early mornings, in literally months of putting the bill together. They are likely to do exactly the same as we go through to the conference committee and final adoption of the bill.

I express my gratitude for their good work and the appreciation, I am sure, of Senator BYRD and of the Senate as a whole.

MARRIAGE TAX PENALTY RELIEF RECONCILIATION ACT OF 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4810, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

Pending:

Burns Amendment No. 3874, to repeal the modification of the installment method.

Reid (for Hollings) Amendment No. 3875, to pay down the debt by striking the tax cuts.

Nickles (for Lott) Amendment No. 3881, to provide a substitute.

The PRESIDING OFFICER. The Senate will now proceed to vote in relation to the following amendments, with 2 minutes for explanation prior to each vote: BURNS, HOLLINGS, and LOTT.

The Senator from Montana.

AMENDMENT NO. 3874

Mr. BURNS. Mr. President, the amendment that I have offered to this piece of legislation is a freestanding bill, S. 2005, the Installment Tax Collection Act of 2000.

Basically, it allows small businesses or farms that sell their businesses on the installment plan to pay their capital gains taxes as they receive the money. Right now, they are required to pay the capital gains taxes in one lump sum. In other words, in some cases, when properties are sold, they even have to borrow the money to pay the capital gains up front.

It is no cutback in revenue to the Government. We just receive the money whenever the owners receive their payments for their property.

I urge adoption of this amendment.

The PRESIDING OFFICER. Who yields time?

Is all time yielded back?

Mr. MOYNIHAN. A voice vote would be very agreeable.

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

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

All time is yielded back.

The question is on agreeing to amendment No. 3874. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.—

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—99

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

NOT VOTING—1

Coverdell

The amendment (No. 3874) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3875

The PRESIDING OFFICER. Under the previous order, the next amendment is Senator HOLLINGS' amendment.

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, do you want to make $1 million? Do you want to become a millionaire? All you have to do is find the surplus that is in the headlines.

This morning, USA Today said ''surplus doubles.''

That crowd knows how to write, but they do not know how to read.

I have the Congressional Budget Office report that they quoted. On page 17, the debt goes from $5.617 trillion to $6.370 trillion. The debt is going up. The surplus is going down.

I thought maybe they had gotten it from the President's midyear review just given 2 weeks ago. Of course, you know how they mix these things up. The last page tells the truth. On page 23, President Clinton finds that the debt goes up to $1 trillion—no surplus. The debt increases.

I then go to the public debt to the penny. Call up Treasury. They give this out every day. You find how the debt goes up.

What they are trying to do is increase the debt with this $248 billion.

I am for paying down the debt.

Vote for the amendment if you are for paying down the debt, please.

Mr. LEVIN. Mr. President, I will support the Hollings amendment to strike the tax cuts proposed in this legislation and devote those funds to reduction of the national debt.

I supported and would prefer the Democratic proposal to eliminate the marriage penalty in the Tax Code. I voted for the Democratic plan and had it passed would not have supported the Hollings amendment. However, since the Democratic alternative to the pending bill was defeated yesterday by a 46–50 vote, and since the Republican bill would cost a wasteful $40 billion a year, reflecting the wrong priorities, I will support the Hollings amendment to better use those funds to pay down the national debt.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, evidently the proponent of the amendment does not believe any marriage tax relief is in order.

Let me say that I find this position to be incredible. The Federal Government is taking a record level of the economy in revenue over 20 percent. The Federal take has not been this high since World War II.

Income taxes have doubled since the Clinton administration came to office. Clearly, it is the taxpayers—especially America's hard-working families—who have caused the surplus.

This bill returns less than 3 percent of the non-Social Security surplus to virtually every married couple in the country. Both Republicans and Democrats agree that marriage tax relief is an appropriate use of the non-Social Security surplus. We differ on how the relief is delivered.

I urge my colleagues to reject Senator HOLLINGS' amendment.

Mr. HOLLINGS. Mr. President, 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 amendment No. 3875. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The result was announced—yeas 20, nays 79, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—20

Akaka	Inouye	Moynihan
Boxer	Kennedy	Reed
Daschle	Kerry	Robb
Dodd	Lautenberg	Rockefeller
Feingold	Leahy	Voinovich
Harkin	Levin	Wellstone
Hollings	Lincoln	

NAYS—79

Abraham	Edwards	McCain
Allard	Enzi	McConnell
Ashcroft	Feinstein	Mikulski
Baucus	Fitzgerald	Murkowski
Bayh	Frist	Murray
Bennett	Gorton	Nickles
Biden	Graham	Reid
Bingaman	Gramm	Roberts
Bond	Grams	Roth
Breaux	Grassley	Santorum
Brownback	Gregg	Sarbanes
Bryan	Hagel	Schumer
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Byrd	Hutchinson	Smith (NH)
Campbell	Hutchison	Smith (OR)
Chafee, L.	Inhofe	Snowe
Cleland	Jeffords	Specter
Cochran	Johnson	Stevens
Collins	Kerrey	Thomas
Conrad	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
DeWine	Lieberman	Warner
Domenici	Lott	Wyden
Dorgan	Lugar	
Durbin	Mack	

NOT VOTING—1

Coverdell

The amendment (No. 3875) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I ask consent the vote occur in relation to the Lott amendment notwithstanding the order for the recess of the Senate.

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

Mr. LOTT. Mr. President, I ask consent that immediately following the reconvening at 2:15, there be 5 minutes for the managers or their designees for closing remarks, to be followed immediately by a vote on passage of H.R. 4810.

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

AMENDMENT NO. 3881

Mr. LOTT. Mr. President, I do have brief remarks before the vote on the next amendment. Are we ready to proceed to that?

The PRESIDING OFFICER. There are 2 minutes for debate, equally divided. The majority leader.

Mr. LOTT. Mr. President, the amendment we have before us will return to the text of the committee-reported bill. If this amendment is agreed to, we will then be voting on a clean marriage penalty relief bill with the exact text that was reported from the Finance Committee. It is a simple vote. It is a simple choice. Last night the Senate did accept some amendments on several issues that are not relevant to marriage penalty relief, several of them on voice vote, perhaps a couple of them along the way on recorded votes.

Some of them are good amendments. We will have another opportunity to vote for them or have them included in other legislation. They are good ideas that deserve to be on another bill. This bill is about tax relief for married couples and about eliminating the marriage penalty when a couple gets married, so I urge my colleagues to support cleaning up the bill so we can pass a clean marriage penalty bill.

The PRESIDING OFFICER. Who yields time? The Senator from Illinois.

Mr. DURBIN. Mr. President, let me explain to the body what the Lott amendment does. If you voted in favor of the Durbin-Bond amendment to give full deductibility of insurance premiums to self-employed small businesses and farmers, the Lott amendment eliminates that vote. If you voted with Senator TORRICELLI of New Jersey for lead screening under Medicaid to protect children, the Lott amendment eliminates that. If you voted with Senator TORRICELLI on special provisions in Medicare for those suffering from Lou Gehrig's disease, the Lott amendment eliminates that. If you voted with Senator BURNS to change business accounting to make it more fair to small businesses, the Lott amendment eliminates it.

This is done over and over in the House of Representatives by the Rules Committee. It clears the deck of all the activity and progress we have made. It is an effort to make a tabula rasa the last amendment of the day. If you believe the amendments we voted for are worth standing behind, I urge you to vote ''no'' on the Lott amendment.

Mr. CRAIG. Mr. President, 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 amendment No. 3881. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

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

[Rollcall Vote No. 214 Leg.]

YEAS—54

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

NAYS—45

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

NOT VOTING—1

Coverdell

The amendment No. (3881) was agreed to.

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

The PRESIDING OFFICER. In my capacity as a Senator from the State of Wyoming, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

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

Thereupon, the Senate, at 12:55 p.m., recessed until 2:15 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

MARRIAGE TAX PENALTY RELIEF RECONCILIATION ACT OF 2000—Continued

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, we are poised to approve the Marriage Tax Relief Reconciliation Act of 2000. This is a great victory for the American family—all America's families. It is not one that has been won, as much as it has been earned.

This bill is the centerpiece of our efforts to reduce the tax overpayment by American families. It is fair, it is responsible, it is the right thing to do for American families. And it is long overdue that they receive it.

The provisions in this bill will help over 45 million families. That is virtually every family in the U.S. Some of my colleagues have argued that almost half of those families—21 million families located in every state in this country—do not deserve any tax relief. I reject that argument. I reject it because in my home state of Delaware it would mean leaving over 30,000 families that contributed to our ever-growing budget surplus out of family tax relief.

All of these American families have contributed to the record surplus that we have in Washington. They deserve to get some of it back. I believed that

three months ago when I first unveiled this package. And I believe it even more so today with the new numbers released by the Congressional Budget Office.

Today's bill amounts to just 3 percent of the total budget surplus over the next five years. It amounts to just 8 percent of the total non-Social Security surplus over the next five years. That is less than a dime on the dollar of American's tax overpayment. By any comparison or estimation, this marriage tax relief is fiscally responsible.

I would ask those who oppose this family tax relief: Just how big will America's budget surplus have to get before America's families deserve to receive some of their tax dollars back? If not now, when? if 8 percent of just the overpayment is too big a refund, how little should it be? How long do they have to wait? How hard do they have to work? How large an overpayment do they have to make?

This bill is fair. We have addressed the three largest sources of marriage tax penalties in the tax code—the standard deduction, the rate brackets, and the earned income credit. And we have done so in a way that does not create any new penalties—any new disincentives in the tax code. We have ensured that a family with one stay-at-home parent is not treated worse for tax purposes than a family where both parents work outside the home. This is an important principle because these are important families.

Despite the red flags thrown up by those who want to stand in the way of marriage tax relief, this bill actually makes the tax code more progressive. Families with incomes under $100,000 pay less than 50 percent of the total federal taxes; yet under our bill, these same families receive substantially more than 50 percent of the benefits.

I do not understand how people can claim that this bill is tilted towards the rich. I believe that the real complaint of those who oppose this bill is not that it is tilted towards the rich—because it is not—but because it is tilted away from Washington. As a result, some of America's tax overpayment will flow back to America's families.

Mr. President, it is time for us to act. Families across America are waiting for us to make good on our promise. They are waiting for us to return some of this record surplus to them. Let's approve the Marriage Tax Relief Reconciliation Act of 2000 and let's divorce the marriage tax penalty from the tax code once and for all.

Mr. ASHCROFT. Mr. President, the current tax code is at war with our values—the tax code penalizes the basic social institution: marriage. The American people know that this is unfair—they know it is not right that the code penalizes marriage. I commend the Senate on the vote we are going to take today to end this long-standing problem.

Twenty-five million American couples pay an average of approximately $1,400 in marriage penalty annually as a result of the marriage penalty. Ending this penalty gives couples the freedom to make their own choices with their money. Couples could use the $1,400 for: retirement, education, home, children's needs.

This bill will also provide needed tax relief to American families—39 million American married couples, 830,000 in Missouri. Couples like Bruce and Kay Morton, from Camdenton, MO, who suffer from this unfair penalty. Mr. Morton wrote me a note so simple that even a Senator could understand it: ''Please vote yes for the Marriage Tax relief of 2000.''

Another Missourian, Travis Harms, of Independence, Missouri, wrote to tell me that the marriage penalty hits him and his wife, Laura. Mr. Harms graciously offered me his services in ending the marriage penalty. ''I would like to thank you for your support and effort towards the elimination of the unfair 'marriage tax.' If there is any way I can support or encourage others to help this dream become a reality, I would be honored to help.''

I am grateful to Travis Harms and Bruce Morton for their support. And I want to repay them by making sure we end this unfair penalty on marriage.

The marriage penalty places an undue burden on American families. According to the Tax Foundation, an American family spends more of their family budget on taxes than on health care, food, clothing, and shelter combined. The tax bill should not be the biggest bill families like the Morton's and Harms' face.

And families certainly should not be taxed extra because they are married. Couples choosing marriage are making the right choice for society. It is in our interest to encourage them to make this choice.

Unfortunately, the marriage penalty discourages this choice. The marriage penalty may actually contribute to one of society's most serious and enduring problems. There are now twice as many single parent households in America than there were when this penalty was first enacted.

In its policies, the government should uphold the basic values that give strength and vitality to our culture. Marriage and family are a cornerstone of civilization, but are heavily penalized by the federal tax system.

The marriage penalty is so patently unfair no one will defend it. Those on the other side of the aisle are making a stab at addressing the marriage penalty, even though they are not willing to provide relief to all couples who face this unfair penalty. Their bill implements a choose or lose system for some couples who are subject to the marriage penalty. Their bill phases out marriage penalty relief, and does not cover all of the couples who face this unfair penalty.

This issue, however, is not about income, it's about fairness. It is unfair to tax married couples more than single people, no matter what their income. The Finance Committee bill provides tax relief to all married couples.

In addition, the Finance Committee bill makes sure that couples do not face the risk of differential treatment. Under the minority bill, one family with a husband earning $50,000 and a mother staying home with her children will pay more in taxes than a family with a combined income of $50,000, with the wife and husband each earning $25,000. This system creates a disincentive for parents to stay at home with their children. The Republican plan will treat all couples equally.

While the minority bill is flawed, I am encouraged that they are finally acknowledging that the marriage penalty is a problem. I am also encouraged that President Clinton has also acknowledged the unfair nature of the marriage penalty. But unfortunately, Treasury Secretary Larry Summers has announced that he would advise the President to veto marriage penalty relief.

I say to the President and to my colleagues on the other side: being against the marriage penalty means that you have to be willing to eliminate it. You cannot just say you oppose the penalty, and then fight to keep the penalty in law, or to keep part of the penalty in law for some people. Join us to vote for the elimination of the penalty, and let us bring this important tax relief bill to the American people together.

The marriage penalty has endured for too long and harmed too many couples. It is time to abolish the prejudice that charges higher taxes for being married. It is time to take the tax out of saying ''I do.''

Mr. DEWINE. Mr. President, I rise today in support of the Marriage Tax Penalty Relief Reconciliation Act. This bill would eliminate much of the so-called marriage penalty contained in the current tax code by expanding the standard filing deduction for married couples filing jointly, widening the tax brackets, increasing the income phase-outs for the earned income credit, and extending permanently the preservation of the family tax credits.

My main reason for supporting this measure is the simple fact that I do not believe that the federal government should be penalizing marriage. If two people meet and fall in love, they should not have to worry about whether their formal union will bring about adverse tax consequences. After all, newly married couples have enough to worry about, without the added burden of increased tax liability.

Mr. President, one of the basic principles of our tax system is that it treats individuals in similar situations in the same way. In other words, if two individuals make the same amount of money and the rest of their lifestyles are similar, they pay the same amount of tax.

When two people marry, these principles of fairness should remain in

place, even if the basis of tax liability changes from the individual to the family. Two people, as a married couple, simply should not have to pay higher taxes than they would as singles. And furthermore, two couples who make the same income should pay the same amount of taxes. The proposal before us today adheres to those principles. The alternative offered by my colleagues on the other side of the aisle, does not.

Mr. President, I support the marriage tax relief proposal currently before us now—it is a step toward eliminating one of the most egregious examples of unfairness and complexity in the tax code today. I strongly urge my colleagues to support its final passage.

Mr. DOMENICI. Mr. President, pursuant to section 313(c) of the Congressional Budget Act of 1974, I submit for the RECORD a list of material in S. 2839 considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313. The inclusion or exclusion of material on the following list does not constitute a determination of extraneousness by the Presiding Officer of the Senate.

To the best of my knowledge, S. 2839, the Marriage Tax Relief Reconciliation Act of 2000, contains no material considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313 of the Congressional Budget Act of 1974.

Mr. CONRAD. Mr. President, this week the Senate was required to choose between two plans to correct the marriage tax penalty. Unfortunately, both of them were flawed.

Make no mistake. The marriage penalty is wrong. The tax code should not penalize people simply because they choose to marry. As our economy continues to thrive, we have the opportunity to address the unfairness in the tax code. But we must do so in a manner that is fiscally responsible. We must provide relief to those unfairly penalized, but avoid an unwarranted windfall to those who already receive favorable treatment.

I believe the only way to fully eliminate the marriage penalty is to allow couples to decide whether to file jointly, or as individuals. As we have heard throughout this debate, there are 65 different places in the tax code which can cause married couples to pay more tax than they otherwise would. By allowing couples to choose between filing singly or jointly, we allow each couple to choose the best outcome for their personal situation. That is the approach I favor.

And that is why I supported Senator MOYNIHAN's proposal. His plan takes the right approach, and would completely eliminate the marriage penalty for couples making $100,000 or less. However, I believe Senator MOYNIHAN's proposal did not go far enough to completely restore fairness for all couples, no matter what their income.

I did not support the plan proposed by Senator ROTH. It would deal with only three of the instances in the tax code that can result in a marriage penalty, and would direct even greater benefits to people who already experience a ''marriage bonus'' under current tax law. The Roth proposal carries a tremendous price tag, with costs ballooning out of control as the baby boomers begin to retire—and despite its costs, would provide only modest relief from the marriage penalty for the great majority of couples over the next ten years.

We have heard that this legislation faces a veto. We will have the opportunity to return to this issue, and find a better solution, one that is affordable, simple, and effective.

The plan I offered in the Finance Committee in April could, I believe, form the basis for a compromise. It provides a simple, elegant, and complete solution to the marriage penalty, based on the concept of optional single filing.

Optional single filing could not be simpler—taxpayers decide whether to file as a couple or as two single individuals, whichever method produces the smallest family tax bill. Optional single filing means that couples who actually pay the marriage penalty get the relief from it.

Let's review one more time why the marriage tax penalty happens. Under our system, marriage affects tax liabilities because married couples pay income taxes jointly rather than as two individuals. Because tax brackets, deductions, and credits for couples are not always set at exactly twice the levels for individuals, married couples do not always pay the same taxes as they would if the same two people were unmarried. As I said, experts have identified 65 separate provisions in the Internal Revenue Code that can affect taxpayers differently based on marital status.

About 42 percent of couples pay more filing jointly than if they were not married and filed as two individuals. This is defined as a marriage tax penalty. About half of all married couples pay less. This is known as a marriage tax bonus. The remainder see no significant difference either way.

The Roth proposal dealt conclusively with only one of the provisions that gives rise to a marriage penalty. If the difference in the standard deduction is responsible for your marriage penalty, the Republican plan has all the relief you need.

If the widths of the rate brackets causes you to pay more as a married couple than you would if you were two single individuals, the Roth plan will give you some help. Likewise, if your penalty stems from the structure of the earned income tax credit, the Republicans have a little something to offer. But for those two marriage penalty situations—and the 62 other provisions in the Internal Revenue Code that could result in a couple paying a marriage penalty—only optional single filing can provide complete relief.

That's why I so strongly support optional single filing. It's the best way of dealing with the marriage penalty—give people the flexibility to decide what's best for them.

And, because optional single filing would not give tens of billions of dollars in new tax breaks for wealthy individuals who already get a marriage bonus, it would allow us to pay down the national debt faster. Every time I visit with North Dakotans, they tell me that paying down the national debt should be a top priority. Paying down debt will strengthen our economy and reduce interest costs. And it will ensure that our children and grandchildren are not saddled with future tax increases to pay for the debt we ran up in the past three decades.

This plan is simple. It is complete. And it matches our nation's priorities. I hope that as this debate moves forward, we can use the plan as a basis for an effective compromise.

Mr. BAYH. Mr. President, I rise today in support of eliminating the marriage penalty for working families. Eliminating the marriage penalty—which results when a married couple pays more in taxes than they would if they had remained single—is the right thing to do. Unfortunately, the approach the majority offers is fiscally irresponsible and provides more than half its benefits to couples who pay no marriage penalty. By contrast, the approach I support provides tax relief only to those who actually pay marriage penalties, and it allows us to provide additional, targeted tax cuts.

A few months ago, I introduced my own approach to the marriage penalty problem, the Targeted Marriage Penalty Relief Act of 2000, S. 2043. My bill provides a dollar-for-dollar tax credit—up to a maximum of $500 in 2001, rising to $1,700 in 2004—that reduces or eliminates the marriage penalty on a couple's earned income. My bill provides immediate marriage penalty relief to millions of American families, completely eliminating the penalty for 59 percent of families that face a penalty in the first year. Plus, it provides tax relief only to those families who currently pay more when they marry than they would if they had remained single, which is the true measure of the marriage penalty.

Because it is more targeted to those with marriage penalties, my bill is also more fiscally responsible. The Targeted Marriage Penalty Relief Act costs $80 billion over ten years—$33 billion in the five-year reconciliation window—or just over $10 billion a year by the year 2010. It costs only one-third as much as the Republican plan, yet it eliminates the marriage penalty within four years for more than 80 percent of families.

In other words, Mr. President, my bill is targeted, simple, and affordable, as is the Democratic alternative offered by Senator MOYNIHAN. Both approaches allow us to honestly deal with

the marriage penalty while also providing enough room for other priorities, such as prescription drug coverage, a college tuition tax credit, or a long term care tax credit. Given the likelihood that the Democratic alternative will fail, and the Republican bill will be vetoed by the President, it is my hope that my proposal will eventually receive serious consideration.

Compare the advantages of both the Democratic alternative and the Bayh approach to the Republican bill that we are debating here today. The Republican bill is expensive, costing $248 billion over ten years and $56 billion over five years. If allowed to continue until the year 2010, it would cost more than $40 billion every year. The bill is poorly targeted, with nearly 60 percent of the total tax relief going to couples who today pay less in tax when they marry, rather than more.

In addition, the Republican bill provides immediate relief only to a small number of families because it phases in over a seven-year period. In fact, the Republican bill has not even completely phased in by the end of the five-year budget window, thereby hiding its true cost.

I appreciate the argument made by the other side of the aisle that with significant surpluses on the horizon, some of that money ought to be returned to taxpayers. I also agree that we ought to do something about the marriage penalty, because people should not have to pay more tax simply because they fall in love and get married, as the two Senators from Texas point out often with both irony and humor. But unfortunately, eliminating the marriage penalty is not the only challenge we face. The majority's proposal severely hampers our ability to cut other taxes, pay down the debt, and make needed investments in Medicare and education. It provides most relief for those who pay no marriage penalty and offers incomplete relief for those who do. I support a better, more balanced approach and look forward to the day when it is adopted.

Mr. LEAHY. Mr. President, I do not like the marriage penalty. I think it is poor public policy. Unfortunately, the Senate Finance Committee has presented us with a bill, sponsored by Senator ROTH, that does not completely eliminate the marriage penalty. What this bill would do instead is direct a majority of its tax benefits to married couples who already benefit from a marriage bonus and to certain individuals who have never even been married. Hard working married couples in Vermont deserve an honest, targeted measure to eliminate the marriage penalty, not the proposal that is before us today.

Of the 65 marriage penalties in the Tax Code, the Republican bill eliminates only one and partially addresses only two more. It would do absolutely nothing to get rid of the 62 other marriage penalties in areas such as the Hope and Lifetime Learning Credits, Individual Retirement Accounts, and the taxation of Social Security benefits, programs that are important to Vermonters. In addition, by increasing the deduction and expanding brackets, this bill would benefit married couples who experience a marriage bonus, at a cost of $55.6 billion over five years and $40 billion per year after that.

I support the alternative amendment, proposed by Senator MOYNIHAN, because it would eliminate all 65 marriage penalties in the Tax Code for couples with up to $100,000 in adjusted gross income. This common sense plan would accomplish this relief by allowing married couples to calculate their tax liability jointly or as single individuals. The alternative would also significantly shrink the marriage penalty for couples with between $100,000 and $150,000 in adjusted gross income. According to the Vermont Department of Taxes, in 1998, 113,132 married couples in Vermont had an adjusted gross income under $150,000. That is 94.5 percent of all married couples ion Vermont that filed taxes that year. Under Senator MOYINHAN's proposal, Vermonters get more bank for their buck and those married couples who are truly hurt by the marriage penalty get a break.

Senator ROTH's bill, when fully phased in, would cost American taxpayers $40 billion a year, $10 billion more than Senator MOYNIHAN's proposal, but would leave 62 marriage penalties untouched. In addition, an analysis by the Department of Treasury indicates that only 40 percent of the benefits of this bill would actually reduce the marriage penalty. This means that 60 percent of the benefits are directed to other cuts—expensive cuts that do nothing to provide senior citizens with a prescription drug benefit, nothing to improve our children's education, nothing to help repay our national debt.

If the Republican bill is enacted, we will have made little progress in eliminating the marriage penalty—one small step as opposed the giant leap that we would get with Senator MOYNIHAN's alternative. I support an end to the marriage penalty and I will continue to work with other Senators to pass affordable legislation that is targeted at eliminating all of the marriage penalties in our Tax Code. Vermonters and all hard working Americans deserve nothing less.

Mr. GORTON. Mr. President, the marriage tax penalty is an injustice in the Federal income Tax Code that results in a married couple filing a joint return paying more in taxes than if the same couple were not married and filed as individuals. Today, the Senate will vote to end this injustice.

There is no question that the American people, both married and single, are troubled and upset by the marriage tax penalty, and that they are telling Congress and the President to end this injustice in the Tax Code. I know every one of my 99 colleagues in the Senate receives letters like those that arrive in my mail every day from Washington state—letters urging support for legislation to eliminate the marriage tax penalty.

I will share just one of the hundreds and hundreds I have recently received. The Gaylord's of Sumner, Washington wrote to me and described how they learned of the penalty the Tax Code imposed on them for being married when preparing their tax filings for this year. The letter reads, ''Here is what I did to see the penalty: I simply clicked on the 'single' box on my wife's return (as it is on the computer, it is a simple thing to do) and her tax went from sending $400 to the IRS, to an instant recalculation of getting $500 back!'' Computer tax software made it easily and brutally clear to the Gaylord's that they were being punished by the Tax Code for being married to each other, that they would pay less in taxes if they were single.

Mr. President, the marriage tax penalty is as outrageous as it is indefensible. President Clinton, however, has threatened to veto this marriage tax penalty legislation. President Clinton should reverse his threatened veto, sign marriage tax penalty legislation into law and bring fairness to the Tax Code. No longer should those who fall in love and get married be penalized by the Tax Code.

Mr. LEVIN. Mr. President, I oppose the Republican marriage penalty tax reform proposal and support the Democratic alternative for three simple reasons: the Democratic alternative is targeted, provides comprehensive relief, and is fiscally responsible, and the Republican plan is not.

First, the Democratic relief plan is targeted: It confers 100% of its benefits on couples suffering a marriage penalty—when two individuals pay more in income taxes as a married couple, filing jointly than they would if they remained single. The Republican plan confers only 40 percent of its benefits to taxpayers who currently suffer a penalty. Of the remaining benefits, 37 percent go to couples currently receiving a marriage bonus—when two individuals pay less in income taxes as a married couple, filing jointly than they would if they remained single. So the Republican plan is effectively a singles penalty bill.

Second, the Democratic relief plan is comprehensive: There are 65 areas of the tax code where a marriage penalty occurs—from the standard deduction to the earned income tax credit. The Democratic plan addresses all of them. In fact it completely eliminates the penalty—in all its forms—for couples earning up to $100,000, 80% of all married couples. The Republican plan addresses only 3 of the 65 places in the tax code where the marriage penalty occurs—it doesn't address the other 62. So the Republican plan provides inadequate, incomplete relief.

Despite these deficiencies, or perhaps, because of them, the Republican plan carries an enormous, fiscally irresponsible price tag of $40 billion per

year when fully in place—compared with $29 billion per year for the Democratic alternative. Allocating so much money to an inefficient, poorly targeted tax cut leaves no room for other important national priorities and threatens the very prosperity that has made tax cuts possible. The Democratic proposal is simply a better value for the American taxpayer.

Mr. ROTH. Mr. President, I yield 3 minutes off the majority leader's time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, we are not talking about a tax cut today. We are talking about a tax correction. We are talking about 21 million married couples in this country having tax equity.

We have heard the arguments: This is a tax for the rich. Is a schoolteacher who makes $30,000 a year and a policeman who makes $32,000 a year a couple who are rich? That is what the other side would have you believe. They think this is a tax cut for the rich.

I ask the question: Does a schoolteacher and a policeman believe the Federal Government can decide better how they should spend their own money than they can decide for themselves? That is what it gets down to.

When I hear the other side saying this is going to cost the Government too much, I think: Who do they think this money belongs to? Do they think it belongs to the people who earn it or do they think it belongs to people in Washington, DC, who have never met the families who are paying these taxes? I think the money belongs to the people who earn it.

We are looking at a $2 trillion non-Social Security surplus. We are talking about tax cuts. With the death tax and the marriage tax penalty relief that we have given in the last week in this Senate, it would be 10 percent of the projected non-Social Security surplus—10 cents on the dollar.

What are we going to do with this money if we don't let people keep more of the money they earn? Are we going to dream up new programs that will not affect these people? I don't think that is the right approach.

We are talking about tax relief for hard-working American families—people who make $30,000 a year or $32,000 a year or $35,000 a year—because we believe marriage should not be a taxable event. We believe people should be treated the same if they get married. If they are two working people who are trying to save their money to buy their first home, they should have the right to do it with their own money, especially since we are talking about 10 percent of the non-Social Security surplus.

We are talking about being good stewards of taxpayer dollars today. We are talking about letting hard-working families keep the money they earn to do a little bit better for their children or to be able to start a family or buy their American dream home.

That is what we are talking about. We believe the family can make the decisions for themselves better than someone in Washington.

Marriage penalty relief is what we are talking about. Tax equity is what we are talking about. We are talking about fairness today for hard-working Americans.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I would like to make five points in a very short period of time before we vote.

The first goes to the issue raised by the distinguished Senator from Delaware and the chairman of the Finance Committee, Senator ROTH, having to do with the surplus.

Over the course of the last 6 months we have seen the surplus increase—projected now to be about $2.1 trillion. In 6 months, we have gone from roughly $800 billion in projected surplus to $2.1 trillion. I will predict that surplus is going to change one way or the other over the next 6 months, the next 6 years—for any length of time. In fact, I think the surplus projections are the fiscal equivalent of the dot-com stock market. They will continue to be volatile. We know how volatile they can be. We projected deficits as far as the eye could see a few years ago. We could see those deficits come back completely in a very short period of time. We don't know. There will continue to be volatility in predictions of surplus just as there has been volatility in the dot-com stock market. Let's keep that in mind.

When you add all the Republican tax breaks to date, and add the Bush Social Security privatization proposal and it comes to $3.4 trillion. That exceeds by more than 50 percent the available surplus.

Last week, we dealt with the estate tax. Today, we are dealing with marriage penalties. But when you add all of them up, we exceed by more than 50 percent of the projected surplus.

They are counting on this surplus continuing to go up, No. 1, or they are going to do something they say they don't want to do, which is to tap the Social Security surplus and the Medicare surplus in order to pay for the tax cuts in the first place. That is point No. 1.

We don't have the surplus in the bank until it is there. They can project all they want to project. But that surplus could be eliminated very quickly.

The second issue: If you are going to say you are going to fix the marriage penalty, fix the marriage penalty. There are 65 marriage penalties in the Tax Code. The Republicans chose to deal with three of them. The cost in dealing with those three is $248 billion. They filed amendments in the Finance Committee for an additional $6 billion, totaling another $81 billion. I don't know what it would cost if they were actually going to fix all 65. We don't know how many hundreds of billions of dollars there would be in addition to the $248 billion. Keep that in mind. This does not fix the marriage penalty. Anyone who is voting under that impression ought to recognize that they can say what they will but they are only fixing 3 of the 65 problems that are currently incorporated in the tax law. That is the second point.

This is the third point related to the second point. Let's take this teacher and this policeman the distinguished Senator from Texas was talking about. She mentioned a teacher and a policeman and having the need to address their concern. For this couple who has been penalized, let's assume each of them were making $35,000, which in the case of a teacher is very difficult to assume. But we will assume that for the moment. The husband and wife jointly would pay $9,532. If they were able to file singly, they would pay $8,407. So their actual marriage penalty is $1,125.

The Republican plan only provides 39 percent of the relief for that couple making $70,000—$443. That is all the relief this Republic plan provides. That is another reason the Democrats felt compelled to offer our alternative.

It is no accident that the Democratic plan authored by the distinguished Senator from New York and the Finance Committee Democrats provide 100-percent relief—$1,125 in the case of this particular couple making $70,000.

The fourth point: This bill actually creates a new inequity. We call it a singles penalty. I promise you somebody is going to come to the floor saying we have to deal with the singles penalty.

That $70,000 joint income I was talking about creates a joint tax liability of $10,274 under current law. They get some tax relief under the GOP plan, and end up with a liability of $8,743. However, a widow does not get any relief at all. A single widow, a person trying to make ends meet with the same kind of income, doesn't get any kind of reduction in her tax liability at all. In fact, because they now create a singles penalty, that widow will actually pay $1,531 in additional taxes over a couple getting relief under the marriage penalty. We are inadvertently creating a singles penalty in the name of trying to address this marriage penalty relief under the Republican plan. That is something I hope Members will take a close look at.

The fifth point I raise, I heard several colleagues discuss the fact this does not benefit the wealthy at the expense of the rest. According to the Joint Tax Committee, it sure does. The Joint Tax Committee said a couple making $50,000 a year, as a joint couple, the Republican tax bill is going to allow $240 in relief when paying a marriage penalty with $50,000 worth of income. Someone earning $200,000, their benefit under the Republican plan is $1,335. The Democratic plan is shown in contrast. Someone earning $30,000 under the Democratic plan receives $4,191 in relief. Under the Republican plan, they receive $807.

When representing the vast majority of the American working families in that $30,000 to $50,000, why vote for a plan that actually reduces their opportunity to generate meaningful relief by giving them $240 in the case of a $50,000 income earner, and $807 relief for those in the $30,000 category? Why vote for such a plan?

It goes to the very point that many have made all along, and the distinguished Senator from New York has made so eloquently. Mr. President, 60 percent of the benefit in this bill we are about to vote on actually goes to those who get a marriage bonus; only 40 percent of that $248 million actually goes to those who face a marriage penalty.

Why give, in the name of marriage penalty relief, 60 percent of the benefit to those who are actually getting a marriage bonus under current law? Why exacerbate the inequities in current law already? That is what we are doing.

The Democrats have a far better plan. This chart shows that better plan. The Republicans, as I noted earlier, deal with 3 of the 65 inequities for $248 billion, 60 percent of which goes to those who get a marriage surplus. The Democrats deal with every single inequity currently in the code, all 65, and in one sentence.

That is the choice. Do we want to fix it or do we want to talk about it? Do we want to create new inequities and singles penalties, or do we want to deal with the problem? Do we want to fritter away $248 billion, thinking we have fixed the marriage problem, or do we want to deal with the real problem for a lot less money?

The Democratic plan allows married couples to file separately or jointly. Very simply, taxpayers get a choice. Why deny them that choice? We provide them, for the first time, an opportunity to do one or the other, in a single sentence.

We eliminate all marriage tax penalties for those making less than $100,000. We don't expand the marriage bonus, and we provide fiscally responsible relief.

You cannot get much better than that. I am hopeful my colleagues will think very carefully before they vote for a plan that does not solve this problem. I urge a ''no'' vote on the Republican plan on marriage penalty relief.

I yield the floor.

Mr. ROTH. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CRAPO). Is there a sufficient second?

There is a sufficient second.

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 the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

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

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—61

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Biden	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Byrd	Helms	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Chafee, L.	Hutchison	Snowe
Cleland	Inhofe	Specter
Cochran	Jeffords	Stevens
Collins	Kerrey	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Domenici	Lott	Warner
Enzi	Lugar	
Feinstein	Mack	

NAYS—38

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

NOT VOTING—1

Coverdell

The bill (H.R. 4810), as amended, was passed.

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

CHANGE OF VOTE

Mr. KOHL. Mr. President, on rollcall vote No. 215, I voted ''nay.'' It was my intention to vote ''yea.'' Therefore, I ask unanimous consent that I be permitted to change my vote since it would not change the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Presiding Officer appoints Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN conferees on the part of the Senate.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I take this occasion to thank the persons who have supported us and, most particularly, to thank the minority staff of the Finance Committee which produced what we think to have been a fine measure.

We are, as ever, indebted to our chief of staff, Dr. David Podoff, who, in the course of these deliberations, had Marshall's ''Principles of Economics'' on his desk for reference; to our tax team, led by Russ Sullivan, Stan Fendley, Mitchell Kent, Jerry Pannullo, Cary Pugh, John Sparrow, Lee Holtzman, Matthew Vogele, and Andy Guglielmi; to our health team, Chuck Konigsberg, Kyle Kinner, Kirsten Beronio, and David Nightingale.

Also, I extend a very special thank-you to Lisa Konwinski from the Budget Committee staff who provided extraordinary assistance on the reconciliation bill rules and procedures.

I yield the floor, sir.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from West Virginia.

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

The PRESIDING OFFICER. The Senate is currently on S. 2, which is the Elementary and Secondary Education Act.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order.

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

WHAT PRICE LEGACY?

Mr. BYRD. Mr. President, the peace talks that President Clinton has been hosting at Camp David between Prime Minister Barak of Israel and Chairman Arafat of the Palestinian Authority appear to be reaching their climax. The President has made clear from the outset that the negotiations would be difficult, but that it was his hope to recreate the spirit of the Camp David summit hosted by President Carter more than 20 years ago that resulted in the historic peace treaty between Egypt and Israel.

The goal of the current discussions is no less ambitious than the peace treaty between Israel and Egypt that was enshrined in the first Camp David accords. Certainly, a peace agreement between the Israelis and the Palestinians would be a welcome advance in the quest for a lasting peace in the Middle East. We would all like these discussions to lead to an end to the conflict that has caused so much suffering and instability in that troubled region.

Whether such a positive outcome is possible is still very much in doubt. There is no guarantee of success; indeed, many think the chances are dim. But when there is a chance for peace, the opportunity should be seized.

That being said, Mr. President, it should be made clear what the role and responsibility of the United States are here. The most important role of the United States is our ability to serve as the facilitator of these discussions. That is due to the nature of our relations with Israel and the Palestinians, and the personalities of the leaders involved at this time in history.

But providing a forum and encouragement for the Israelis and Palestinians to solve their own conflict should

not be translated into a commitment to solve the conflict for them. Stability in the Middle East, including the state of relations between Israel and the Palestinians, is a matter of great importance to the United States, but it is not our conflict. It is theirs. We can help them find common ground, but ultimately it is their ground to find.

This distinction is significant in light of the potential cost of a peace agreement between the Israelis and the Palestinians. Figures ranging from $15 billion to $40 billion have been floated in the media over the past several days as the possible sums that U.S. taxpayers will be asked to contribute to a peace agreement. If history is any guide, this is only the beginning.

According to the Congressional Research Service, from 1979 through 2000, the United States has provided over $68 billion to Israel, and over $47 billion to Egypt to support the Camp David accords. That amounts to more than $115 billion in U.S. tax dollars to two countries alone. Besides that, from 1994 and 2000, the United States has provided $927 million—almost a billion dollars—to the Palestinians.

I wonder how many Americans are aware of this. I wonder how many Americans knew, at the time of the first Camp David summit, that the price of an Israeli-Egyptian peace agreement would be an open-ended financial commitment of U.S. tax dollars exceeding $100 billion. Yet after more than 20 years of paying the bills, that is indeed the cost. And there is no end in sight.

Mr. President, there has been a lot of talk about President Clinton's legacy and Secretary of State Albright's legacy. I appreciate their zeal to achieve historic agreements and to be remembered for their achievements. I recognize that peace between the Israelis and the Palestinians would be a crowning achievement. But what legacy at what price? Are we going to be told somewhere down the line that in order for the Israelis and Palestinians to agree—and this does not include the Syrians—the Administration had to promise them billions and billions of dollars in U.S. taxpayer aid? Why is it the responsibility of the United States Congress to pay to implement an agreement that we are not a party to, and about which we have, so far, received no details?

There is a disturbing tendency on the part of the Administration, and it is by no means unique to this Administration, to negotiate agreements and make costly financial commitments behind closed doors, and then inform the Congress, in so-called ''consultations,'' after the fact. I fear that is what is contemplated again, and I think it is wrong.

If consultations are happening, that is news to me. As ranking member of the Senate Appropriations Committee, I have not been consulted, and perhaps for good reasons. I am not aware of any other Senator who has been approached by any administration official who has suggested what the price of implementing a peace agreement might be, or why it is the responsibility of the American taxpayers to pay that price. I say this particularly when it was only last year that the Congress provided a total of $1.6 billion to Israel and the Palestinians to implement the Wye River agreement—another deal that was made without any prior consultations, as far as I know, with Congress. Again, I fear we are being led down the path of ''sign now, pay later'' without even knowing how much we are going to be asked to pay later, or why.

Now, I recognize that the discussions underway at Camp David may fail. There may be no agreement. That would be unfortunate. But whatever the outcome, I want to remind the administration, and the Israelis and Palestinians, that the negotiations are being hosted by the administration, not by the Congress, not by the Appropriations Committees of the Congress. No one should assume that the check is in the mail. No one should assume that we are going to dig another hole for ourselves the way we did the last time there was such a negotiation at Camp David.

We all want to see peace in the Middle East, and if there is a legitimate need for funding to implement a peace agreement, we can discuss what role the United States should play—but not after the commitments have already been made, not after the ink has already dried, not if this ancient Senator has anything to say about it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

THE PASSING OF SENATOR JOHN O. PASTORE

Mr. REED. Mr. President, Rhode Island and the Nation have lost an extraordinary statesman and patriot, Senator John O. Pastore. Senator Pastore passed away Saturday at the age of 93. He served in this body from December 1950 until January 1977. He served with distinction, he served with integrity, and he served with the utmost commitment to helping the people of Rhode Island and the people of this Nation to achieve the noblest aspirations of this country. He committed his life to public service. Senator Pastore was, in turn, a State representative, an assistant attorney general of the State of Rhode Island, a lieutenant governor, a Governor, and then, for over 26 years, a U.S. Senator.

He began his life on March 17, 1907, on Federal Hill, the Italian American community in Rhode Island. It was an interesting combination of a young Italian American born to immigrant parents on St. Patrick's Day. He would never let anyone around forget that he was both proudly Italian and fortuitously Irish—at least for 1 day of the year. He grew up in an immigrant household that was experiencing all the difficulty and travail of people who come to a new land to find themselves and make a better life for their children. It was not glamorous; it was difficult. He endured the difficulties with the same kind of determination that marked his whole life.

In his own words:

> We lived in the ghetto of Federal Hill. We had no running water, no hot water. I used to get up in the morning and have to crank the stove and go out in the back yard and sift out the ashes and come back with a coal that I could recoup. I had to chisel ice with an ice pick in the sink so that I could wash up in the morning. And that was everybody in the family. That wasn't me alone. That was my wife's family. That was everybody's family.

The hard, difficult life of a young immigrant family in Providence, RI, in the early part of the century became even more difficult because when Senator Pastore was 9 years old, his father, a tailor, passed away. At the age of 9, he became the man of the family. His mother went to work as a seamstress to support Senator Pastore and four other children. She labored all of her life to do that.

Senator Pastore was a bright and gifted student. He progressed through the Providence public schools and finished Classical High School, which was the preeminent public high school in the State of Rhode Island. He did so well that he was offered an opportunity to attend Harvard College so that he could fulfill his dream to become a doctor. He did so well, not only by studying but at the same time supporting his family, working in a jewelry factory in Providence, RI. But the reality and the truth was, he was poor, he was without a father, and he felt the keen obligation to ensure that he protected and helped his family. And so he would forego that opportunity. He was without the funds. He had to work to support his brothers and sisters and help his mother. It is said—and he has said it, in fact—that he wept on the night of his graduation, thinking that his great talent would never be fully utilized, that he would forever be committed to a life of perhaps even menial work. But he did so willingly and voluntarily because he, too, wanted to help his mother and his brothers and sisters to make it in this great country.

As we all recognize, all of us who have in any way briefly come in contact with Senator John O. Pastore, he was a man of extraordinary determination. He went to work as a clerk at the Narragansett Electric Company, and during the day he worked hard. But in the evening he enrolled at the Northeastern University Law School extension, held at the Providence YMCA. Those were the days when you could become a lawyer without going to college and then going from college into law school. At night, while working and supporting his family, he became a lawyer. After he became a lawyer, he opened up his practice in the basement of his family's home in Providence. The clientele did not rush to him, frankly, but he also discovered that he

had a knack for politics. He ran as a State representative in the thirties. He was elected twice and, at that point, he began to create a name for himself as an articulate advocate, someone who was a hard-working, determined champion, not only for his people but for all people.

He was made an assistant attorney general for the State, and then he was selected to run as lieutenant governor. He served as lieutenant governor for the State of Rhode Island. And then, fortuitously—because the Governor accepted a position in the Democratic administration—he became the first Italian American Governor in this great country. Then, he moved on to the U.S. Senate to become the first Italian American Senator in the history of this country. An extraordinary individual. He came here and worked on so many different issues. He was the chairman of the Joint Committee on Atomic Energy at the time when atomic energy was becoming a powerful force in all of our lives.

He committed himself to the peaceful use of atomic energy to try to develop its potential to help rather than to destroy. He worked ceaselessly to ensure that we were controlling atomic energy throughout the world. He worked very hard on the Nuclear Test Ban Treaty. He worked with many colleagues—some colleagues who are here today—on that landmark legislation.

He also served on the Commerce Committee where he was the chairman of the telecommunications subcommittee. I daresay many of the fundamental foundations and principles that have guided this huge explosion of telecommunications that have opened up the cyberspace of the world began years ago under his deliberations on that committee.

Also, in 1974 at the end of his career, he was very active in campaign finance reform in the wake of the Watergate affair.

Those are accomplishments, but what is so compelling and so emblematic of the man is that his whole life represented something so fundamentally American. He was modest and humble. He seized the opportunity that is America—the chance to succeed. Then he committed himself in his public life, day in and day out, to ensure that every American had those types of opportunities.

That is why he and his colleagues in the 1960s embraced the idea of providing educational support to the talented but poor Americans who could get into college but couldn't afford to go to college. That was not some theoretical flourish he discovered in a lecture hall at a great university; that was from his heart, from having lived it, from having seen so many of his contemporaries with the talent, the skills, and the ambition frustrated and thwarted because they didn't have the money to go to college. In so many other ways, he tried to ensure that ''opportunity'' was the watchword of America.

His greatest contribution perhaps is the fact that he lived what we all think America should be and is—that someone can rise up from an immigrant household, from a place where English is not the first language, to the highest positions in this country through hard work, dedication, and commitment. That example alone, that inspiration alone, is extraordinarily important to all of us.

We in Rhode Island are very lucky because we have a chance to see our public officials close up. All of us have stories about our leaders. In Rhode Island, Senator Pastore was no exception. We all understood early on that he was one of the most extraordinary debaters and oral advocates this body has seen in a very long time.

In 1964, President Johnson asked Senator Pastore to be the keynote speaker at the Democratic National Convention. I was 14 years old then. I, as every other Rhode Islander, was crowded around the television set on a hot summer's night waiting for our Senator to speak to the Nation. He spoke in his typical powerful and forceful way. He spoke about justice and opportunity. He spoke about the Democratic Party, and he spoke about our commitment to help everyone. He spoke with both passion and precision. He moved that convention, and he moved the Nation. We will never forget those words.

Also, again because of the proximity of everyone to everyone else in Rhode Island, I had the chance to see him when I was a younger person in my early teens because my parents would summer down at Narragansett, RI, and his family would summer there also. It was a very modest summer resort. My father was a school custodian. So this was not exactly the Riviera. But he was there because that is where the people were. That is where he went for his summer vacation.

I can remember going to mass on a hot summer's day. We were all lucky just to be in long pants because it was summertime. However, he would be there in his suit and tie looking every inch the sartorial master that he was, with a bearing and a dignity that was beyond senatorial, it was regal, but also with a kindness and a humility that came through equally well.

Finally, with a great deal of appreciation and gratitude, Senator Pastore was the individual who appointed me to the military academy at West Point. He gave me the greatest opportunity of my life. He did it in a nonpartisan, nonpolitical way. I had never really met the Senator. I had asked for the appointment. I sent him a letter. He had his staff direct me to take a test. I took a test. I took a physical. I took a physical aptitude test. I still remember the moment when his executive assistant called me and told me I was going to West Point.

In my office in Washington I have both his picture and the letter he sent me on that day. In my office in Rhode Island I have his picture and the telegram he sent to follow up. He gave me a great opportunity. I like to think that the good things I have done in a way have been a response to that confidence he showed in me as a very young man.

He also was someone who had a great sense of humor about himself and about many things. He once quipped that he was very grateful his parents named him John O. Pastore rather than Giovanni Orlando Pastore because in the latter case his initials would have been ''GOP,'' which is something he would have been hard pressed to deal with because of his very strong Democratic life and career.

I can remember also that Senator Mansfield spoke to me one time. He said: You know, every St. Patrick's Day, Senator Pastore insisted that he be the President pro tempore. It was his birthday. He wanted to preside. He also reminded everyone that his name was really John O. Pastore with the accent one would have if one were John O'Rourke, or John O'Neill, or John O'Donnell.

He was an extraordinary man. He graced us with a life of service. He graced us with a life that is an example to all of us. He has honored us by doing his best every day, by taking his work much more seriously than himself, and by doing this great work and then quietly and gracefully returning home, back to Rhode Island, to his beloved wife and his family—to his simple life with the people he respected and admired. He is beloved in my State of Rhode Island. He is well deserving of that great love.

To his wife, Mrs. Pastore, to his son John, to his daughters Francesca and Louise, to his sisters Elena and Michelina, our sincere condolences. But today we not only commemorate his passing but we celebrate his great life.

I yield the floor.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, for the information of Senators, as I understand it, the leader has announced that we would go next to the Agriculture appropriations bill. I further understand that leadership is discussing an agreement under which we will proceed to consider that bill.

Pending the completion of that discussion, I ask unanimous consent that the Senate now go into a period of morning business with Senators permitted to speak therein for up to 15 minutes each.

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

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Pursuant to that request, I ask unanimous consent to speak for 10 minutes in morning business.

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

FEDERAL SURPLUS

Mr. DURBIN. The United States has changed a lot in the last 7½ years. Mr. President, 7½ years ago we were deep into deficits. We were spending more each year than we collected in taxes. We were running up the largest national debt in the history of the United States. We have $6 trillion in debt to show for that experience.

Many people have lost faith in the ability of this institution to correct this problem and to respond to what was truly a national crisis. In fact, some went so far as to suggest we should amend the Constitution of the United States to pass what was known as the balanced budget amendment.

On the floor today with me is Senator ROBERT BYRD of West Virginia, acknowledged to be probably the most gifted Senator when it comes to the rules of this body and knowledge of the Constitution. He fought a battle, sometimes lonely but ultimately successful, in stopping Members from amending the Constitution and giving power to the Federal courts to tell the Congress to stop spending. Some in this body thought that was the only way we could stop the red ink cascading over the Treasury in Washington, DC. Senator BYRD prevailed. The amendment was defeated.

Amazingly, we stand today in this Senate, in this Capitol, in Washington, DC, with a complete change of events. We are no longer talking about the yearly deficits. We are talking about the yearly surpluses, the fact that the economy is so strong, so many people are working, so many people are earning a good income, businesses are successful, people are building homes, America is on the move. For 7½ years or more now, we have seen that prosperity not only lift the boats of the American people but also bring a new opportunity in Congress. For the first time in many years, we can honestly sit back and discuss and debate what to do with the surplus in the Treasury.

I think many Democrats share the feeling that we should be conservative in our approach with this surplus. I am not sure what tomorrow, next year, 3 years, or 5 years down the line will bring. I think the decisions we should make as to this surplus should be thoughtful. First and foremost, let's retire our national debt, the $6 trillion debt. We collect $1 billion a day in taxes from Americans, businesses, families, and individuals to pay interest on our old national debt. It is as if to say to our children, we are going to leave you the mortgage on the home we enjoyed our entire lives.

I agree with President Clinton and most Democrats; our first priority should be reduce the publicly held national debt to zero. We can do it. We can do it in a short period of time. It will call for some discipline and some honest dialog with the American people. We can take the money from our surplus, pay down the debt in Social Security, pay down the debt in Medicare, strengthen those two very important programs, and bring down our national debt. That is our policy on the Democratic side of the aisle. That, we think, should be the first step that we make, the most important, the most conservative, the most disciplined.

The Republican side sees things quite differently. They believe if we are going to have a surplus, the first and most important thing we should do with that surplus is to give tax cuts. There isn't a politician alive who wouldn't like to address a crowd in his hometown and announce a tax cut. There is just no more popular set of words we can use in this business than: I'm going to cut your taxes. Is it the right thing to do? Is it the responsible thing to do?

Equally important, if we are to give tax cuts, who should be the beneficiaries? If we are going to have a surplus for the first time virtually in modern memory, what are we going to do with that surplus? Who will benefit from that surplus?

Over the last week and a half, we have heard the Republican answer to those questions. They have suggested if we have a surplus in America, if times are good and we can help somebody in America, the very first people in line for help should be the wealthiest in America. Now, is that the conclusion most American families would reach? I don't think so.

If you take a look at the proposal of the Republicans to eliminate the estate tax, and the bill that just passed to eliminate the so-called marriage penalty, you can see who the winners are. This chart I am presenting shows the Republican tax plan, their spending of our surplus. Almost half of our surplus is going to benefit the wealthiest people in America. The biggest winners? Mr. President, 43 percent of the total tax cut proposed by the Republicans goes to people making over $319,000 a year. They get 43 percent of the tax breaks. It means for them, on average, an annual tax cut of $23,000. That is almost $2,000 a month.

The Republicans believe in good times, after we have been through all this pain, and we now have a surplus, the first group who deserves a break, the first group to deserve a benefit is the wealthiest people in America, those making over $319,000 a year.

What about those on the other end? What about the people who get up and go to work every single day and may make a minimum wage or a little better than that? How will they fare under the Republican proposal? How were they considered when the Republicans sat down and said where our priorities will be, here are the people we will help. The lowest 20 percent of wage earners in America, those making less than $13,600 a year, get less than 1 percent of the Republican tax cut. It is worth $24 a year to them, $2 a month. The Republicans didn't forget them, they will send them $2 a month. For the wealthiest, it is almost $2,000 a month.

The next group, those making up to $24,400, see about $82 a year from the Republican tax cuts. That comes to $7 a month. Think about that for a second. If we are going to help the people in America who need help the most, shouldn't we be rewarding hard-working families who get up and go to work every single day, play by the rules, try to buy a home, try to build a community, try to provide for their children and their future or should we take this surplus and give it, first, to those who are making over $300,000 a year?

Some people say that being in Congress is about a question of being ''in touch'' or ''out of touch.'' The Republican tax plan is in touch with the wealthiest people. It is out of touch with regular families.

The Democratic side believes after bringing down the national debt, we should target tax cuts to help these working families who have been virtually ignored by the Republicans in their tax benefits.

On the floor of the Senate, we offered an amendment to say every family in America, every single family, can deduct every year $12,000 in college education expenses. I have seen a lot of families with new babies. Everybody is happy to see the child arrive. After a few minutes, people turn and say: What a cute little boy. How in the world are we ever going to pay for his college in 18 years? People know that cost is going up. The average family knows how tough it is to pay it.

We say on this side, you deserve a helping hand to help your son or daughter be the absolute best they can be. We offered an amendment. Instead of the Republican plan for the wealthiest, we said let the people of America deduct $12,000 a year in college education expenses from their taxes. It is a deduction which would mean, for some families, as much as $3,000, and a helping hand to pay for tuition. Rejected, rejected on the floor of the Senate last week. They don't want that kind of tax cut. They want the kind of tax cut that gives $23,000 a year to the wealthiest people in America but would not give to average families, worried about their kids going to good schools and having a bright future, a helping hand.

We also considered a prescription drug benefit. I think everybody knows what that is about. Your parent and your grandparents, on Medicare, are struggling to pay for their prescription drugs. On the Democratic side, we think there should be a program under Medicare to make sure the elderly have a chance to fill those prescriptions, stay healthy, stay strong, stay independent. We have been fighting for that. We offered it as an alternative. Instead of giving money to the wealthiest in this country, why don't you help those under Medicare, give them a helping hand in paying for some of the drugs? Rejected. The Republicans had a chance to vote for that tax benefit and rejected it on the floor of the Senate.

Having been across the State of Illinois, with public hearings on prescription drug benefits, the stories will break your heart. Men and women coming to those hearings get their prescription from the doctor. They go to the pharmacy, and before they ask them to fill it they ask how much will it cost. If it is too much, they either don't fill it or take half the prescription many times, depriving themselves of the basics of life so they can have prescription drugs.

That was the choice: To give to people earning over $300,000 a year in income a tax break of $23,000 or to give to seniors and the disabled a chance to pay for the prescription drugs. These are the values we tested on the floor of the Senate, and Republicans rejected the idea of a prescription drug benefit proposed by the Democrats.

On child care, do you know a working family with small children? Unless they have someone in the family they can count on, who doesn't worry about safe, quality child care for the kids? I think about it as a grandfather. I have a little 4-year-old grandson, and it finally dawned on me when my daughter told me she was looking for day care, somebody was going to have my little Alex for 8 hours a day. I said, ''Who are these people? I want to know who they are if they are going to have my grandson.''

Every mother and father asks that same question, and they struggle to come up with the money to pay for good child care to guard each day the most precious thing in their lives, and Senator DODD said, can't we give a tax break to working families to help them pay for child care? Wouldn't that be something good for America, so the kids are in good, safe hands during the course of the day so working families have that peace of mind? Rejected by the Republicans in the Senate. No, sir, we are not going to give a child care tax break for working families. We are going to give to the wealthiest in America $23,000 a year in tax cuts.

When it comes to putting people in the front of the line for help from this Government, the Republican leadership has said time and again: We are not there helping working families pay for college education. We are not there helping working families pay for child care. We are not there for prescription drug benefits. We are there for changes in the Tax Code that literally help the wealthiest people in America.

Another challenge many of us face is the whole question of taking care of aging parents. If you are a baby boomer, you probably know what I am talking about. Your parents, now, who want to live as long as they possibly can as independently as they can, basically come to you at some point and say, ''We are going to need a hand.'' People make sacrifices for their parents in those circumstances. We think the Tax Code should recognize that, and reward that as well, and give to families who are struggling to take care of their aging parents and those with serious illness a helping hand. That is another idea for a tax cut that helps real American families, another idea rejected by the Republican leadership in the Senate. No, these people are not on their radar screen. First and foremost, the tax break suggested by the Republicans has to go to the very wealthiest among us.

So half the surplus we are now generating and hope to see in the next 10 or 20 years is not going to the working families of America. It is going to those who already are well off, those who are doing well, those who, frankly, don't need a helping hand.

Imagine, if you will, if you are making $300,000 a year, what an extra $2,000 a month means to you. What are you going to do with it? Surely you will find something to do with it. But could it possibly be as valuable as providing what a family needs to help pay for a college education expenses? Prescription drugs? Day care? Taking care of an aging parent? That is the battle that is underway.

President Clinton said he is going to veto these bills, and he should, because he was elected by people across America, 98 percent of whom will see no benefit whatsoever from these bills. Let us at least start listening to families across America when it comes to our tax policy. Let us sit down and correct the inequities in the Tax Code. But also let us decide who is most deserving of our tax assistance. I do not believe it is people making over $300,000 a year. They are doing quite fine by themselves. Let's be sensitive, though, to those families struggling every day to realize the American dream and to have opportunity.

When you take a look at this Nation we live in, it is the greatest on Earth. God blessed each one of us who had a chance to call this home. But we have an obligation to people who live in this country to make sure they have a chance for opportunity, too. You heard the wonderful story Senator JACK REED of Rhode Island told about John O. Pastore, one of the giants in the history of the Senate. A son of immigrants, he rose to serve in this Chamber and be an ideal and to serve as a model for so many people and so many generations.

There are many others like John Pastore out there who need their chance to prove themselves in America. They are not worried about estate taxes paid by fewer than 2 percent of the American people. They are folks who are worried about making sure they have a safe, healthy home, making sure they have health care, have college education expenses taken care of. Those people have been forgotten in the debate over the last 2 weeks. It is up to President Clinton to remind us of our priorities. It is up to him to lead us, now, into meaningful tax relief targeted to help families who really need it.

When it comes to prescription drug benefits, I do not think there is a more important issue we can consider during the course of this remaining congressional session. Prescription drug expenditures have been growing at double-digit rates for almost every year since 1980, and the drugs that seniors need the most have increased at four times the rate of inflation. The average prescription drug cost for Medicare beneficiaries will reach $1,100 per year this year.

The Republicans have proposed, in a manner to try to deal with this, the suggestion that we should turn to the health insurance companies to let them take care of prescription drugs. Pardon me, we have seen what those same managed care companies and health insurance companies do to families when the families really need help. They turn them down when they need medical care. They let decisions be made by insurance clerks rather than doctors. They force people to go to court to sue for basic health care. That is the same group to whom Republicans would turn over the prescription drug benefit. That will never work. It is best for us to put together a plan that is guaranteed and universal and under Medicare that we can count on.

It is also important we have the leverage and the power to make sure we can negotiate for reasonable drug prices. It is just inconceivable to me that some of the same drugs we approve in the United States, some of which we spent taxpayers' dollars to research and develop, end up being sold in Canada for a fraction of the cost. Americans are now getting in buses and driving over the Canadian border to buy their drugs, fill their prescriptions for prescription drugs made by American drug companies at taxpayers' expense because they have to pay three and four times as much in the United States as they would in Canada. That is disgraceful. If this Congress does not address it with not only a prescription drug benefit but also some effort to have reasonable control of price increases, we are not listening to the people we were sent here to represent.

We can talk about estate taxes. We can talk about people making over $300,000 a year. But we have lost touch with reality and we have lost touch with America if we do not understand the cost of prescription drugs is something that haunts literally millions of Americans every single day. That is something we can and must do something about in the immediate future.

We have to bring Medicare in line with reality. The reality is that prescription drugs can keep you out of the hospital, keep you home and healthy, keep you independent and strong. When Medicare was created, there was no prescription drug benefit. Forty years ago, there were not that many drugs around, for that matter. But the world has changed. You would not buy a health insurance policy today that did not have some prescription drug benefit in it. Today, the most vulnerable people in America are seniors and

disabled under Medicare who virtually have no prescription drug protection whatsoever.

We want to change that. We, on the Democratic side, believe if we do nothing else this year, we should enact a prescription drug benefit. We can then say to our parents and grandparents and the elderly we love in this country: We have heard your message. Again, I say while we should have been debating that, we were debating an estate tax change that ends up giving almost $23,000 a year to some of the wealthiest people in America.

Look at how this works out in terms of the different income groups and how much they receive. As I mentioned, the lowest 20 percent of wage earners in America, under the Republican plan, get $2 a month. What can you buy with that nowadays? Maybe a coke at McDonald's, I guess. Then up here at the highest level, those making over $300,000 a year, $23,000 in breaks on the Republican tax plan. Again, the inequity is so obvious—the fact that the people who are struggling the hardest, working the hardest, doing the most to make America strong, are the people who are being ignored by the Republican tax relief.

This is not the first time that has occurred. Take a look at some of these charts involving Republican tax cuts from years gone by. You will see every single time the Republicans have had a chance—in August of 1999; in May of 2000, the House minimum wage proposal; in March of 2000, and the Republican Congress estate tax repeal—at least 41 percent of all the tax benefits went to the very richest, the top 1 percent in America.

When it came to the minimum wage, the same thing was true. Think about that minimum wage for a second. How long could you survive on $5.15 an hour on a job? Well, 350,000 people in my home State of Illinois got up this morning and went to work, and they are being paid today $5.15 an hour. These are not lazy people. These are some of the hardest working people in my State. These are people cleaning the tables, making the beds, doing the laundry, doing the dry cleaning, watching our children in day care, and these people are being paid $5.15 an hour.

We have tried, with Senator KENNEDY, for over 2 years to increase the minimum wage in this country, and we have been told America just cannot afford it. We cannot afford to give people who go to work every single day a livable, decent wage of $6.15. That is hardly a great sum of money, but at least it tries to keep up with the cost of living.

The same Congress and the same leadership that has rejected a 50-cent-an-hour wage increase for some of the hardest working people in America wants to turn around and give a tax break of $23,000 a year to those making over $300,000.

Doesn't it strike you as odd that they are willing to give a tax break to folks making over $300,000 a year, which is the equivalent of more than twice the income of a person earning the minimum wage? Where is the sensitivity to America? I can't understand how the Republicans can feel the ''pain'' of the wealthy but can't feel the pain of those who are working hard every single day to try to make a living and to try to make America better.

Again and again, given the chance to come up with the Republican tax cuts, we find that the richest in America are the ones who profit. We just ended up passing the so-called marriage penalty tax cut and exactly the same rules apply. Who are the people who will benefit from this? Under the Republican plan, this so-called marriage penalty turns out to be a marriage bonus.

The idea, of course, behind it is if two individuals are earning a certain income and decide to get married and they combine their income on a joint return, many times they find themselves moving up to a higher income tax bracket. That is wrong. We should change it. The Democrats support that change and that reform.

The Republicans say that is not enough. They say: For those who happen to get married—and one is working and one isn't—we want to lower the tax rate in their situation, even though there is no tax penalty. You end up giving a break where, frankly, it is not needed. So the tax break goes to whose who are not being penalized.

When you look at the ultimate benefit of it, you see, once again, the top 20 percent of earners in America are the ones who benefit the most from the Republican plan. And 25.7 percent of all the benefits under this plan go to the richest 5 percent in the country, and 78 percent of it goes to the richest 20 percent in the country.

Again and again, given a chance to help working families and young married people who are struggling to get a start in life, the Republicans have said, no. They say the first people to help are the richest people in our society. That, to me, does not make sense.

What we have suggested, under the marriage penalty, is that we should have a simple, straightforward plan. We should define the marriage penalty as when a married couple pays more as a married couple than they would as two singles. Very simple. We say let married couples earning below $100,000 have a choice in filing. They can file as two singles or as a couple. The proposal could not be more simple.

The Democratic alternative completely eliminates each and every one of the 65 marriage penalties in the Tax Code for taxpayers making $100,000 a year or less. It reduces the marriage penalty for taxpayers making between $100,000 and $150,000. I think it is realistic, generous, and makes a lot of sense. I supported that, but that is not what passed the Senate a few minutes ago.

What passed is a benefit that will, frankly, go to the wealthiest people in this country. Again and again, we forget those who are making America great, working every single day. We forget those who need help in paying college education expenses.

We forget those who, frankly, have to make a tough decision at some point in the life of their son or daughter: Where are they going to go to college? Every parent dreams of their son or daughter getting into the very best school, and then they try to think of how they are going to pay for it. Many times they can't; they are unable to pay for it. They have to have that sad meeting in their household where they discuss it and say: Maybe you will have to stay home for a year. Maybe you will go to a school closer to home for a couple years, and then maybe, just maybe, if we save enough, you will get your chance to realize your dream and go to the very best school where you have been accepted.

That is a sad situation for a lot of families, but it is a real situation. We know what has happened to college education expenses. Anybody you talk to can tell you that particularly private schools but many public educational institutions have seen their costs increase dramatically. Families struggle with paying for that.

We came up with a suggestion on the floor of a tax deduction to help families pay for college education expenses. Rejected by the Republican majority, their belief was, if we are going to give tax relief, let's give it to the folks who are making over $300,000 a year.

Prescription drugs, college education expenses, child care, helping to pay for your aging parents, that is my top list when it comes to tax relief in this country. But, sadly, with the Republican majority in control of the Congress now, that will not be the list that is listened to or followed when you talk about tax relief.

In just a few weeks, the major political parties will go through the quadrennial exercise of heading off for their national conventions—the Republicans to Philadelphia, the Democrats to Los Angeles. Of course, there will be a lot of speeches. The networks have decided it is not worth listening to, and they are going to tune us out most of the time. But you will read about it and probably catch some items in the news. You will hear a lot of claims being made.

You can count on the message coming out of Philadelphia—the Republican Convention—where they will say: President Clinton had a chance to cut your taxes, and he didn't do it. He vetoed the bills that the Republicans passed in the Congress.

A lot of people back home might say: That is a shame because I need a tax cut.

But for 98 percent of the American families listening to those shows, guess what, you were not protected or improved in any way by those tax cuts. They go to the top 2 percent of the American people. Those are the ones, the biggest wage earners in America, who will benefit.

Of course, at the Democratic Convention, you will hear us talk about issues that this Congress has refused to even consider—the prescription drug benefit, an increase in the minimum wage, and gun safety legislation. Think about that. Of course, if you turn on the television in the morning or pick up a newspaper, you hear of another incident of a child shooting up a school. And you think to yourself: What is America coming to that this can happen, in what is supposed to be one of the safest places in our country, that kids can take guns to school?

We were paralyzed a year ago—a little over a year ago now—at the tragedy at Columbine High School in Littleton, CO. To think that 12 kids could be killed, and so many others terrorized by those who would come upon these weapons and take them to school and open fire.

Every mother and father, and every schoolteacher and administrator, and many students across America said: What are we going to do to protect ourselves? They turned to Congress because we are representing these people and their families and said: Can you do something?

We came up with gun safety legislation. Let me tell you what it proposed. It wouldn't end gun violence in America, but it was an effort to try to keep guns out of the hands of criminals and children. We said: If you are going to buy a gun from a gun dealer in America, we are going to check on who you are. We want to know something about your background. It is the Brady law. We stopped a half a million people from buying guns who should not have bought them because they were too young, they had a criminal history or a history of mental illness. That law has worked.

But the same people could have turned around and gone to a gun show at the local armory and bought the same guns without any background check. Those are the guns that we are finding more and more popping up in high schools and schools across America, guns purchased at gun shows, by those who were ineligible or questionable. They turn around and sell them. Kids get their hands on them. So we enacted legislation that said: We will do a background check at gun shows, too, to try to keep guns out of the hands of criminals and children and those who would misuse them.

That bill passed. It was a tie vote, 49–49, when Vice President GORE came and cast the tiebreaking vote. That was over a year ago. Nothing has happened to that bill since. It went over to the House of Representatives, and the gun lobby ripped it to shreds. They sent it to a conference committee, where it has been sitting moribund for literally a year, while gun violence continues in America and claims the lives of 12 or 13 of our children every single day.

One of the other provisions in that bill came from Senator KOHL of Wisconsin. He said: When you sell a handgun in America, it should have a child safety device or a trigger lock on it so kids can't get their hands on them and hurt themselves or their playmates or their classmates. That was part of the bill that we passed out of here. That was stopped by the gun lobby, as well.

When you think about it, many parents who decide not to have a firearm in their homes because they have small children never know, when their son or daughter goes to play next door, what the circumstances might be—whether those same kids are going to be vulnerable to some child finding a gun in a drawer or up on a shelf, play with it, and kill their playmate. You read about it almost every single day.

So this commonsense idea that we will have child safety devices or trigger locks on handguns in America was in the bill we sent over to the House. It was stopped cold—stopped dead in its tracks—by the gun lobby. They said: We have just gone too far. It is just too radical a suggestion that we would sell child safety devices with handguns.

The third provision was from the Senator from California, Mrs. FEINSTEIN, who said: It is against the law to manufacturer and sell high-capacity ammo clips in the United States, but there is a loophole. You can import them from overseas. And it is pretty simple to do.

She put into law the provision that you won't be able to buy high-capacity ammo clips that hold up to 100 cartridges and bullets. You have to ask yourself: What sportsman or hunter needs 100 cartridges or bullets? I believe if you need a high-capacity ammo clip and a semiassault weapon to go and shoot a deer, perhaps you ought to stick to fishing.

In many instances in America, the people who are buying these high-capacity ammo clips are turning around and using them for these gang banger activities and drive-by shootings that you read about, sadly, here in Washington, DC, and Chicago and cities across America.

That was the third provision in the gun safety bill. That was the third provision that the National Rifle Association said was unacceptable: We cannot restrict the right of American hunters and sportsmen to have high-capacity ammo clips that hold over 100 cartridges.

To my way of thinking, common sense requires us to say to people who want to exercise their right to legally and safely use a firearm that they, too, have to face some restriction on their activity. Those who have visited Washington, DC, as tourists may have gone through an airport and through a metal detector. It is an inconvenience we accept because we want to be safe when we get on that airplane. To ask that those who own firearms face similar inconveniences is not unreasonable, unless you happen to be the National Rifle Association. They think it is unreasonable to impose any restrictions whatsoever.

As a result, sadly, every morning in America, when you pick up the paper, you see instances where children are being killed, instances where kids are taking guns to school, instances where with some foresight and some political courage, this Congress might have been able to do something. We have not.

This has been a do-nothing-for-the-people Congress, as Vice President GORE has said. It has failed to take into consideration what the average working family in this country expects of us, not only to balance the books but to balance our priorities, to make sure the people who prosper because of our judgments and our decisions and our legislative leadership are the families across America.

I think also of the uninsured in this country. To think that in this time of prosperity in America, after the longest run of economic progress in the history of the United States, at a time when we are envisioning surpluses that have never been seen in our history, that we still live in a country with 40 million people who are uninsured. I offered an amendment to my friends in the Senate that said we ought to give a tax credit to small businesses to help pay for health insurance for their employees. These are the businesses that pay the highest health insurance premiums to protect the family who owns the business as well as their employees. These are the employees working for small businesses who make the lowest incomes. Not surprisingly, they turn out to be the largest source of uninsured people in this country, those workers and their children.

What I propose, as part of our tax package on the Democratic side, is to say to small businesses: We will give you a helping hand. We will give you a tax credit so that you can offer health insurance to your employees. It strikes me as one of the basics we should consider.

Just a few years ago, we initiated a nationwide plan to help the States pay for covering the children of working parents with health insurance. It is called the CHIP program. It is working well in my State of Illinois and across the Nation. Congress is trying to plug the holes of 40 million uninsured people in America.

We had a hearing the other day that would have broken many hearts. The mothers and fathers of very disabled children came to tell us about their plight. They depend on SSI, a program under Social Security and Medicaid, to provide for kids who are profoundly retarded or disabled. They find, sadly, they earn too much money. We heard from a woman who talked about a situation where her State came to her and said: You can no longer provide for your child with your income; you just don't have enough money. We want you to turn your child over to be a ward of the State.

Imagine, in America, in the country in which we live, parents who are struggling to raise disabled children

are told that the only answer is to turn their child over to become a ward of the State. That was what she faced. Her health insurance did not cover her needs.

Then there was a sergeant in the Air Force who came to see us with his lovely little 9-year-old daughter, Lauren, who has some serious medical difficulties. This is a man who has given most of his adult life to his country in the Air Force. He was recently given a promotion to E–6, where he would make $200 more a month. With that $200 more a month, he was disqualified from receiving Medicaid and SSI. He said it would cost him over $500 a month to take care of his little daughter. So as he gets a tiny increase in pay of $200 a month, he sees that $500 of medical bills fall on his shoulders.

These are people in America without health insurance. These are people who I think about when I think about the surplus that we are experiencing. What are we going to do with this to extend health insurance coverage to more and more Americans so it is no longer a question that parents ask their emancipated kids, as I have asked my daughter, Jennifer: Do you have health insurance now? She is a student who works from time to time, does her very best, but I worry about it as a father. I shouldn't have to. No one should have to in this country. Health insurance ought to be a given in America—not the fanciest and most expensive policy but a basic policy.

Is Congress debating that? Is Congress even thinking about it? Is Congress sensitive to it? No. We are debating tax breaks for people making over $300,000 a year. That is our priority. The priority is not the parents of the handicapped children, the children of America who are uninsured, the 40 million uninsured Americans in general. That is where we lost sight of the true reality of the challenges facing American families.

The choices on the floor of the Senate are clear, and the choices for the American people in the election will be clear in terms of the values that should be represented when we decide who will benefit from the surplus we have generated and the strong economy of the last 8 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. 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. VOINOVICH. Mr. President, in the year-and-a-half that I have been in the Senate, I have taken several opportunities to come to the floor to talk about the need to reduce our national debt.

Every chance I get, I remind my colleagues that we cannot let the excitement of having a record-high surplus allow us to lose sight of the fact that we must keep spending in check, and use our Social Security surplus and on-budget surplus dollars to pay down our $5.7 trillion national debt.

I can't help but wonder why the media is quick to report that we have such tremendous surpluses, but is virtually silent when it comes to reporting that we have such a huge national debt.

I think the people need to know that we have a national debt that is costing us $224 billion in interest payments a year, and that translates into $600 million per day just to pay the interest. Out of every federal dollar that is spent this year, 13 cents will go to pay the interest on the national debt. In comparison, 16 cents will go for national defense; 18 cents will go for non-defense discretionary spending; and 53 cents will go for entitlement spending. Right now, we spend more federal tax dollars on debt interest than we do on the entire Medicare program.

This debt didn't accumulate overnight. In fact, it took decades of misguided fiscal policies on the part of the Congress and the Executive Branch to get this way. But, fortunately, we have an opportunity, with our strong economy and low unemployment, to make some headway on paying down our debt.

Nearly every family in America or every business owner in America, when they come into some extra money, would use that surplus money to pay off their loans, their credit cards, etc.—whatever debt they had accumulated.

And that's precisely what the U.S. government should do.

I don't think our Nation is any different from our families. If we have some extra money, we ought to get rid of the debt we are carrying on our back.

As my colleagues know, because of the expanding economy, CBO's April surplus estimates showed that we had attained a $26 billion on-budget surplus in fiscal year 2000.

And I would like to remind my colleagues that $22 billion of that $26 billion surplus was from payroll tax overpayments to the Medicare Trust Fund.

However, of that $26 billion surplus amount, the fiscal year 2001 budget resolution assumed we would spend $14 billion of it.

That left $12 billion, which I felt should be used for debt reduction, and so I sought to find a legislative remedy to have those funds allocated solely for the purpose of debt reduction.

On June 15th, by a vote of 95–3, the Senate passed an amendment to the Transportation Appropriations bill that Senator ALLARD and I sponsored, directing the remaining $12 billion on-budget surplus to be used for debt reduction. It was a tremendous victory, but, recognizably short-lived.

Over the last two months, Congress has spent $13.8 billion in an ''emergency'' supplemental appropriations package that was included as part of the Military Construction Appropriations Conference Report, and an additional $5.5 billion has been allocated for payments for another ''ag bailout'' bill with the passage of the Crop Insurance Reform package.

Thus, nearly all but $4 billion of the $26 billion surplus has been spent, including just about all of the $22 billion in overpayments to the Medicare Trust Fund—money that we in Congress have been talking about ''lock-boxing'' to prevent it from being spent in just such a manner.

With all this added spending, I would like to remind my colleagues that we are significantly raising discretionary spending this year—a habit Congress seems reluctant to break. For example, in fiscal year 1998, Congress spent $555 billion on discretionary spending. In fiscal year 1999 we increased discretionary spending to $575 billion—a 4% increase over that one year.

In fiscal year 2000, if you factor in the emergency supplemental appropriations we approved two weeks ago, discretionary spending will be $618 billion. Compared to last year's $575 billion, if my figures are right, that is a 7.5% increase so far in discretionary spending.

How many people in this country can say that they received a 7.5% pay increase from last year?

This is outrageous, and all the more reason we can't allow spending to grow any further in FY 2000.

When given the opportunity to spend more or bring down our national debt, Congress has to learn to make the tough choices—the fiscally prudent choices.

Fortunately, we will have another opportunity to curb spending and make a dent in our national debt.

Today, we have received the expected news from CBO that our fiscal year 2000 on-budget surplus has grown to $84 billion—$60 billion more than was projected in January.

With such a large amount of on-budget surplus dollars at stake, I fear that, again, the temptation will be enormous to spend these dollars—and with even greater zeal than before. We must ignore the allure of spending these surpluses, and remember that the best thing we could do with these funds is use them to pay down the debt.

For those of my colleagues who support tax cuts, I would like to remind them that the only thing that we can do with these FY 2000 surplus funds this year is use them to increase spending or pay down the national debt. That's it. They cannot be used for tax cuts because the fiscal year is almost over.

I have recently read an excellent paper written by Peter B. Sperry, who is the Grover M. Hermann Fellow in Federal Budgetary Affairs at the Heritage Foundation, regarding our obligation to use our surplus dollars to pay down our national debt.

I believe each of my colleagues should read this compelling article, and I ask unanimous consent that a copy of the article be printed in the RECORD following my remarks.

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

(See Exhibit I.)

Mr. VOINOVICH. Mr. President, I agree with the conclusion that Mr. Sperry reaches in his paper, and that is, Congress needs to enact legislation that will automatically take the $60 billion windfall we just received for fiscal year 2000 and use it to pay down the debt.

The bill that Mr. Sperry says that Congress needs to pass is H.R. 4601, the Debt Reduction Reconciliation Act of 2000. Fortunately, on June 20th, the House of Representatives passed H.R. 4601, by a vote of 419–5. An overwhelming majority—just think of it.

I have reviewed this bill, and I believe H.R. 4601 is our last hope to pass meaningful debt-reduction legislation this year. That is why I asked that this bill be held at the desk and put on the Senate's calendar, instead of being sent to Committee. We must consider this legislation now, and we need to let the American people know that Congress is serious about reducing the national debt and not merely paying lip-service towards that goal.

In particular, the bill establishes an off-budget account at the U.S. Treasury that would be called the Public Debt Reduction Payment Account. Any funds that are over the amount specified in CBO's January surplus estimate of $24 billion would be transferred to the Account, where they would be automatically used to reduce the debt. Thus, $60 billion in on-budget surplus funds for FY 2000 would be directed towards debt reduction.

My fear is that before any of the extra FY 2000 funds actually go towards debt reduction, Congress and the President—especially the President—will say, ''well, we've got the money, let's spend it and get out of town.'' But Mr. President, that's definitely not how it should work.

We have a moral obligation to use this money to pay down the debt, and I would like to read a quote from General Accounting Office (GAO) Comptroller General David Walker that hits the nail right on the head regarding that obligation. In testimony before the House Ways and Means Committee last year, Mr. Walker said:

> This generation has a stewardship responsibility to future generations to reduce the debt burden they inherit, to provide a strong foundation for future economic growth, and to ensure that future commitments are both adequate and affordable. Prudence requires making the tough choices today while the economy is healthy and the workforce is relatively large—before we are hit by the baby boom's demographic tidal wave.

To me, the most important thing that we can do on behalf of our children and our grandchildren is to remove the yoke of this debt burden from their backs. If we do so, it will strike a blow for their future and for the future of our nation.

It is the responsibility of the House and the Senate to ''stop the hemorrhaging of spending'' by agreeing to let the remaining on-budget surplus for FY 2000 go towards paying down the national debt. H.R. 4601 will meet that challenge, and it is now up to the Senate to pass this bill. Let's get it done, Mr. President, and let's get it done now.

I thank the Chair, and I yield the floor.

EXHIBIT I

[From The Heritage Foundation, June 13, 2000]

HOW TO PROTECT THE SURPLUS FROM WASTEFUL SPENDING

(By Peter B. Sperry)

Although most Americans assume that a federal budget surplus in any year is automatically used to reduce the national debt, or at least the debt held by the public, this actually is not the case. The U.S. Department of the Treasury must implement specific financial accounting procedures if it is to use a cash surplus to pay down the debt held by the public. If these procedures are not followed, or if they proceed slowly, then the surplus revenue just builds up in the Treasury's operating cash accounts.

This excess cash could be used in the future to further reduce the debt, but only if it is protected from other uses in the meantime. Until the excess cash is formally committed to debt repayment, Congress could appropriate it for other purposes. Consequently, the current surplus will not automatically reduce the publicly held national debt of $3.54 trillion unless Congress acts now to make sure these funds are automatically used for debt reduction and for no other purpose.

There is a parallel to this in household finance. When a family with a large mortgage, credit card debt, and several student loans receives an unexpected financial windfall, it usually deposits the funds in a checking account and takes a little time to consider how best to allocate the revenue—whether to refinance the mortgage, pay off credit cards, or establish a rainy day fund. Meanwhile, the family's debt remains, and will not be reduced until the family formally transfers funds to one or more of its creditors. If the family does not take some action in the interim to wall off the cash, it often ends up frittering away the money on new purchases, and the debt remains.

The federal government faces a similar situation. Surplus revenues are accumulating in the Treasury Department's operating cash accounts faster than the Bureau of the Public Debt can efficiently dedicate them to reducing the public debt. Consequently, surplus balances in these accounts have reached historic levels, and they are likely to accumulate even faster as the size of the surplus grows. Unless Congress takes formal action to protect these funds, they are available to be used or misused at anytime in the appropriations process. Fortunately, the House soon will consider a bill (H.R. 4601) that would protect the budget surplus from being raided by appropriations until prudent decisions can be made about its use.

WHY DEBT REDUCTION NEEDS A BOOST

Thanks to unexpected budget surpluses, the U.S. Department of the Treasury issued less new debt than it redeemed each year. It conducted several ''reverse'' auctions to buy back old high-interest debt. And it successfully reduced the amount of federal debt held by the public in less than three years by $230 billion, from $3.77 trillion in October 1997 to $3.54 trillion in April 2000. Chart 1 clearly shows that its efforts have been successful and impressive.

Despite this effort, the Treasury still is awash in cash. Examining the Treasury Department's monthly reports over this same period (see Appendix) reveals that, after accounting for normal seasonal fluctuations, the closing balances of its operating cash accounts have grown dramatically and, more important, the rate at which cash is accumulating in them has accelerated. The linear trend line in Chart 2 shows both the growth in the closing balances in the cash accounts and the projected growth under current conditions. Essentially, if no provisions are made to protect these balances, in August 2002—two months before the midterm elections—appropriators would have access to almost $60 billion in non-obligated cash.

Unfortunately, even this projection may be too conservative. Examination of month-to-month changes in the closing balances indicates that the rate of cash accumulation has started to accelerate, which will cause the closing balances to grow even faster. The trend line in Chart 3 shows that the amount of positive monthly change in closing cash balances has, after accounting for normal fluctuation, increased since October 1997, and cash balances could start to increase by an average of $20 billion per month within two years.

The Treasury Department faces extraordinary cash management challenges as it attempts to repay the debt held by the public steadily and without destabilizing financial markets that depend on federal debt instruments as a standard of measurement. By protecting accumulated cash balances from misuse, Congress could provide the Treasury Department with the flexibility it needs to do its job more effectively.

TREASURY'S LIMITED DEBT MANAGEMENT TOOLS

The Treasury relies on three basic debt management tools to reduce the debt held by the public in a controlled manner.

Issuing Less Debt. As old debt matures and is redeemed, the Treasury Department issues a slightly smaller amount of new debt in return, thereby reducing the total debt held by the public. This is the federal government's most cost-effective and preferred method of debt reduction. However, it is not a simple process to determine how much new debt should be issued. If the Treasury Department returns too much debt to the financial market, it misses an opportunity to retire additional debt. If it returns too little to the markets, the cost of federal debt instruments will rise, driving down their yields and disrupting many private-sector retirement plans.

Reverse Auctions. The Treasury Department periodically conducts reverse auctions in which it announces that it will buy a predetermined amount of specific types of debt instruments from whoever will sell them for the best price. This method quickly reduces debt held by the public, but it can be expensive. Investors holding a T-bill that will be worth $1,000 in 20 years may be willing to sell it for $995 if they need the money now and believe that is the best price they can get. However, if they know the Treasury Department has made a commitment to buy a large number of T-bills in a short period of time, investors may hold out for $997—a premium of $2 million on every $1 billion of debt the Treasury Department retires.

Purchasing Debt Instruments. The Treasury Department can use private-sector brokers to purchase federal debt instruments on the open market without having it revealed that the client is the federal government.

This method is slow, but it allows the Treasury Department to take advantage of unpredictable fluctuations in financial markets to buy back federal debt instruments for the best possible price. This method must be used carefully and discreetly to aovid having investors, upon realizing that the true buyer is the federal government, hold out for higher prices.

WHY TIMING AND FLEXIBILITY ARE IMPORTANT

The Treasury Department needs time and flexibility to use debt management tools effectively. It often will need to allow large balances to accumulate in the operating cash accounts while it waits for the opportunity to buy back federal debt instruments at the best possible price. If these balances are unprotected, they may prove irresistible temptations for appropriators with special-interest constituencies.

A prudent Secretary of the Treasury would not risk disrupting financial markets by recklessly reducing the amount of new debt issued each year, but might increase the number and size of reverse auctions to ensure that surplus revenues are used for debt reduction rather than remain available to congressional appropriators. The taxpayers would, at best, pay more than necessary to retire the federal debt, and they might find that appropriators have spent the surplus before it could be used to pay down debt.

MAKING DEBT REDUCTION AUTOMATIC

Fortunately, Congress has the opportunity to ensure that the Treasury's large cash balances are not misused in the appropriations process. The U.S. House of Representatives will soon consider H.R. 4601, the debt Reduction Reconciliation Act of 2000, recently approved by the House Ways and Means Committee. This legislation, sponsored by Representative Ernest Fletcher (R–KY), is designed to give the Treasury Department the time and flexibility it needs to use debt management tools most effectively. It would protect the on-budget surplus revenues collected during the remainder of fiscal year (FY) 2000 and appropriate them for debt reduction by depositing them in a designated ''off budget'' Public Debt Reduction Account.

Although the surplus revenues could still cause an increase in cash balances, the cash would be dedicated in the Debt Reduction Account rather than in the Treasury Department's operating cash account. Appropriators would be able to reallocate these funds only by first rescinding the appropriation for debt reduction in legislation that would have to pass both houses of Congress and gain presidential approval. Once surplus revenues are deposited in the Debt Reduction Account, appropriators would have very limited ability to increase spending without creating an on-budget deficit, which many taxpayers would perceive as a raid on the Social Security trust fund.

H.R. 4601 would effectively protect the surplus revenues that are collected during the remainder of FY 2000; moreover, it serves as model for how Congress should allocate unexpected windfalls in the future. It does not preclude tax reform because it is limited to the current fiscal year and therefore affects only revenues that have already been collected or that will be collected before any tax reform legislation takes effect. Nevertheless, once the Debt Reduction Account is established, Congress could continue to appropriate funds to the account at any time. Consequently, Congress would retain the option to reduce revenues through tax reform and still have a mechanism to prevent unexpected surplus revenues, once collected, from being used for any purpose other than debt reduction.

H.R. 4601 would give the Treasury flexibility to use its debt reduction tools in the most effective manner. Surplus revenues deposited in the Debt Reduction Account would remain available until expended, but only for debt reduction. The department would be able to schedule reverse auctions at the most advantageous times, make funds available to brokers buying back debt on the open markets or decrease the size of new debt issues—depending on which mechanism, or combination of tools, proves most cost effective. There would no longer be pressure to ''use it or lose it.''

HOW TO IMPROVE H.R. 4601

Although H.R. 4601 demonstrates a real commitment of members of the House to fiscal discipline, the legislation could be improved. Congress should consider requiring the Secretary of the Treasury also to deposit all revenue received from the sale of Special Issue Treasury Bills (which are sold only to the Social Security Administration) in the Debt Reduction Account. This would preclude the possibility of any future raids on the Social Security trust fund.

Congress should also consider adding language to H.R. 4601 to automatically appropriate future real (rather than projected) surplus revenues to the Debt Reduction Account. This would allow Congress the flexibility to implement tax reforms while also guaranteeing that surplus revenues, once collected, could be used only for debt reduction.

CONCLUSION

Many Americans assume that if surplus revenues are not used for spending or tax cuts, they automatically reduce the national debt. Indeed, this has become an unstated premise in discussions of fiscal policy, whether in the press, academia, or Congress. Unfortunately, the premise is incorrect.

To make the premise true, the Treasury Department should be able to make specific provisions for retiring debt. If it is not given the power and obligation to do so, the surplus revenues accumulating in its operating cash accounts will be subject to misuse by appropriations. Congress has an opportunity and obligation to give the Treasury Department the time and flexibility it needs to utilize its debt management tools effectively when it considers H.R. 4601. This bill offers an effective first step toward the goal of making sure that budget surpluses do not disappear in new spending programs.

WHAT IS THE NATIONAL DEBT?

The national debt consists of Treasury notes, T-bills, and savings bonds that were sold to raise cash to pay the ongoing operational expenses of the federal government. National debt held by the public consists of debt instruments sold to anyone other than a federal trust fund. Most federal debt held by the public is owned by state and local governments, pension plans, mutual funds, and individual retirement portfolios.

Most investors consider federal debt instruments to be cash equivalents that pay interest, and they are strongly motivated to hold them until maturity—up to 30 years in the case of T-bills. Many institutional investors, particularly pension funds, are required to maintain a certain portion of their portfolio in cash equivalents, and they depend on the federal government to issue new debt when their old investments mature and are redeemed. In additional, many lenders, particularly mortgage companies, use the market price of federal debt instruments as a measurement device to determine appropriate rates of return on alternative investments. These lenders rely on the federal government to maintain enough federal debt in circulation to make this measurement valid.

APPENDIX

U.S. TREASURY OPERATING CASH AND TOTAL PUBLIC DEBT: OCTOBER 1997–APRIL 2000

[In millions of dollars]

	Treasury operating cash: opening balance	Treasury operating cash: closing balance	Change	Total borrowing from the public: opening balance	Total borrowing from the public: closing balance	Change
1997:						
Oct	$43,621	$20,261	−$23,360	$3,771,141	3,777,456	$6,315
Nov	20,261	19,778	−483	3,777,456	3,806,564	29,108
Dec	19,778	31,885	12,107	3,806,564	3,804,792	−1,772
1998:						
Jan	31,885	40,307	8,422	3,804,792	3,779,985	−24,807
Feb	40,307	16,280	−24,027	3,779,985	3,810,549	30,564
Mar	16,280	27,632	11,352	3,810,549	3,830,686	20,137
Apr	27,632	88,030	60,398	3,830,686	3,770,099	−60,587
May	88,030	36,131	−51,899	3,770,099	3,761,503	−8,596
Jun	36,131	72,275	36,144	3,761,503	3,748,885	−12,618
Jul	72,275	36,065	−36,210	3,748,885	3,732,515	−16,370
Aug	36,065	36,427	362	3,732,515	3,766,504	33,989
Sep	36,427	37,878	1,451	3,766,504	3,720,092	−46,412
Oct	38,878	36,217	−2,661	3,720,092	3,735,422	15,330
Nov	36,217	15,882	−20,335	3,735,194	3,757,558	22,364
Dec	15,882	17,503	1,621	3,757,558	3,752,168	−5,390
1999:						
Jan	17,503	57,070	39,567	3,752,168	3,720,919	−31,249
Feb	57,070	4,638	−52,432	3,720,919	3,722,607	1,688
Mar	4,638	21,626	16,988	3,722,611	3,759,624	37,013
Apr	21,626	58,138	36,512	3,759,624	3,674,416	−85,208
May	58,138	25,643	−32,495	3,674,416	3,673,865	−551
Jun	25,643	53,102	27,459	3,673,865	3,651,619	−22,246
Jul	53,102	39,549	−13,553	3,651,619	3,652,812	1,193
Aug	39,549	36,389	−3,160	3,652,812	3,679,282	26,470
Sep	36,389	56,458	20,069	3,681,008	3,633,290	−47,718
Oct	56,458	47,567	−8,891	3,632,958	3,638,712	5,754

U.S. TREASURY OPERATING CASH AND TOTAL PUBLIC DEBT: OCTOBER 1997–APRIL 2000—Continued

[In millions of dollars]

	Treasury operating cash: opening balance	Treasury operating cash: closing balance	Change	Total borrowing from the public: opening balance	Total borrowing from the public: closing balance	Change
Nov	47,567	6,079	−41,488	3,639,079	3,645,212	6,133
Dec	6,079	83,327	77,248	3,645,212	3,680,961	35,749
2000:						
Jan	83,327	62,735	−20,592	3,680,961	3,596,976	−83,985
Feb	67,735	21,962	−40,773	3,596,570	3,613,701	17,131
Mar	21,962	44,770	22,808	3,613,701	3,653,447	39,746
Apr	44,770	92,557	47,787	3,653,447	3,540,781	−112,666

Sources: U.S. Department of the Treasury, Monthly Treasury Statements, at http://www.fms.treas.gov/mts/.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

ORDER OF BUSINESS

Mr. LOTT. Mr. President, we are working with the managers of various pieces of legislation to determine the best way to proceed. Senator DASCHLE and I have been discussing how to proceed. We have had a very busy time over the past 8 days. We have had a lot of votes. We have completed a lot of work: The Department of Defense authorization bill—actually, we completed that with debate at night—the Interior appropriations bill today, the death tax elimination legislation last Friday, and the marriage tax penalty today.

The question is how to proceed at this point. We hope we can complete action on the foreign operations appropriations bill so it can go to conference, as we did yesterday on the legislative appropriations bill.

Our colleagues will recall, we did take that up but didn't complete it. We need to get that done so that can go to conference and the House and Senate conferees can begin working with the administration to get that important legislation passed. I know they have interest in it. We do, too.

We are also committed to getting four appropriations bills done before we go out for the August recess: Agriculture, which is, I believe, ready to proceed. The managers are in the area. Senator COCHRAN and Senator KOHL are in the area; The energy and water appropriations bill is ready to go when we complete Agriculture; Treasury-Postal Service will be ready next week, and Commerce-State-Justice.

That would be 11 appropriations bills. That would still leave the HUD-VA appropriations bill and the DC appropriations bill. But for a variety of reasons, we probably could not get those two done until some time in September, maybe even the middle of September anyway.

Now, there are other issues in which Senators are interested. We have been discussing ways to proceed to them, or if we could proceed to them. We had discussed the possibility of going to the NCAA gaming issue. I discussed that with some of the advocates on this side of the aisle at noon today. I understand, in fact, we may not be able to proceed to that because we have to clear it with a lot of different Senators. But we will continue to look to see if we can find a way to have that legislation considered.

Senator DASCHLE will want to comment on a number of these things, and maybe ask questions, too.

We still have pending the Elementary and Secondary Education Act. We put about a week or more into that legislation. A lot of amendments have been offered and voted on. There is a feeling, I hope, on both sides of the aisle that we would still like to actually complete that legislation.

I would like to consider working on it and at some point proceed the way we did on the Defense authorization bill so we actually get it completed. I am going to talk more with Senator DASCHLE about that. He will want to consult, I am sure, with the ranking member on his side. I will want to consult with the chairman on our side, Senator JEFFORDS, and Senator CRAIG, and others who are involved in that.

I continue to urge the Judiciary Committee to make progress on judicial nominations. There are a number of nominations that have had hearings, nominations that are ready for a vote, and other nominations that have been pending for quite some time that should be considered.

I have discussed this matter regularly with Senator HATCH, including last Friday afternoon and, again, just briefly yesterday. I cannot make the Judiciary Committee vote. I cannot tell them who to vote on, but I can urge them to continue to work on those nominations that can be cleared and can be reported to the Senate.

I have been assured by the chairman that they are going to have a markup and report out some judges on Wednesday of this week or—I thought it was Wednesday. Has it been moved to Thursday? I thought it was 10 o'clock on Wednesday. But they are going to report out judges this week and have at least one more hearing before the August recess. They expect to report out another group of judges next week. In that group will be not only district judges but circuit judges. So I want to make that record clear.

With regard to the issue a lot of Senators are interested in, the China permanent normal trade relations issue, we have to finish the appropriations bills. But we are discussing now a procedure, which we can discuss, that would allow us to go ahead and proceed to it, take some action on it next week but recognize that because of the time that could be required in having to debate and file cloture on a motion to proceed, and other cloture motions that might be necessary, we would not be able to complete it and do the appropriations bills next week.

Also, I continue to have a desire to find a way for the Thompson-Torricelli issue to be considered, either freestanding or as an amendment. So we need to get that resolved before we actually move to proceed to the China PNTR bill.

But I can see, again, the possibility of doing some work on that freestanding at night or doing it as an amendment, or, of course, he may reserve his right and may, in fact, believe he has to actually offer it when we go to China PNTR.

So what I am proposing here—and I would like Senator DASCHLE to comment on it—is that we go ahead and complete action on the foreign operations appropriations bill, send it to conference; that we go to the Agriculture appropriations bill; that we then take up the other appropriations bills in this group —energy and water, Treasury-Postal Service, and CJS—but that we work to see if we can proceed at night, perhaps on Thursday, perhaps next Monday, on the Elementary and Secondary Education Act. I need to consult with Senators that have been involved in that from the committee—the chairman and others I mentioned—and Senator DASCHLE needs to do the same thing.

If we could get an understanding that we would work on all these, we would also entertain the idea of proceeding to the China PNTR legislation next Wednesday. I believe, as it now stands, I would have to file a cloture motion on that. That cloture, then, would ripen on Friday; I believe that would be the 28th of July, which would be the Friday that we would hope to go out for the August recess. That would be the final action, unless 30 hours had to be run off of it at that time. Then we would go back to that when we come back after the August recess in September. The positive effects of that

would be that we would show clearly we intend to go to this legislation.

We are going to work together to get these appropriations bills done. We are going to go to China PNTR. We are going to get over the first hurdle, recognizing that there are several other hurdles that could require quite a bit of time to complete.

But those are sort of the parameters of what Senator DASCHLE and I and others have been talking about.

I say to Senator DASCHLE, why don't I yield the floor so you can make comments on that and/or ask any questions.

Mr. MCCAIN. Mr. President, may I ask a brief question.

The majority leader discussed with me earlier, off the floor, about the possibility of bringing up the NCAA prohibition of betting on college sports. This bill was passed overwhelmingly through the committee after hearings. Every college coach in America is committed to this proposition that betting on college sports should stop.

I would allege there would be a vote of 98–2 in this Senate, if it came to a vote. It is something I think we could get done. I think we could get it done quickly. Every college coach in America, the most respected men and women in America, are saying that these young people are tempted by this gambling and by this betting.

It was a unanimous recommendation of the National Gaming Impact Study Commission. I hope that the majority leader and the Senator from South Dakota would enter into a time agreement so we could get this done and stop what every college coach in America is saying is an outstanding evil and temptation that needs to be removed from these young Americans who have been basically put in their charge.

I hope the majority leader will consider, in consultation with the Democratic leader, that we bring this bill up, get it passed, and get it on the President's desk.

Mr. LOTT. If I could respond to Senator MCCAIN's comments, as I indicated to him at lunch, I was prepared and am prepared to move to proceed to that issue. I understand perhaps there may be objection to proceeding. I had hoped maybe we could get an agreement to go ahead and proceed. But we can call it up, and if there is objection, there is objection. We will have to deal with it at that point.

Of course, one option is to file cloture to try to overcome that objection. But we would have to factor in the time that would take and how that would play in all these other issues we are trying to balance.

Senator DASCHLE and I thought maybe we could go to it, but we have an obligation. Just like I had to talk to Senator MCCAIN, I need to talk to Senator BROWNBACK. He has Senators he needs to talk to. I believe—I do not want to speak for him—he indicated he thought perhaps there would be an objection to proceeding. We did not think that was the case as early as 11 o'clock today. We will continue to work with the Senator because I am committed to working with him and Senator BROWNBACK to find a way for this issue to come up and be considered. If we can ever get it to a vote, I think the Senator is right; it is going to pass overwhelmingly.

Mr. DASCHLE. Mr. President, I associate myself with the remarks of the majority leader in regard to the NCAA bill. I think there is broad support for it. But I also recognize that every Senator is within his or her rights to object and to prolong consideration of any bill for whatever length of time the rules might allow.

We have colleagues on this side of the aisle who have indicated to me that is their intention. I know we have to take that into account as we schedule legislation for the balance of this work period. I will certainly work with the distinguished chair of the Commerce Committee and the majority leader to find a time, either through an amendment or through a freestanding bill, to bring it up.

Senator LOTT has articulated very clearly the discussions he and I have had over the last hour or so. He has expressed the desire to me—not only to me, to the Senate on several occasions—that we finish at least 11 appropriations bills. I have indicated my hope that we could accommodate that kind of schedule, even though we recognize the disruptions in the schedule, even tomorrow, necessary disruptions. I think it is accomplishable. I would like to work with him to attempt to try to resolve these matters. I have indicated to him that a number of colleagues on this side of the aisle have indicated to me that in order for us to do that there would be a need to address a number of other issues.

The majority leader has identified each of those issues and responded just as we discussed. It is my understanding that there will be a markup in the Judiciary Committee on future judicial nominations. I hope, as the majority leader has indicated, it will include both circuit and district judges. It is my understanding that is likely to occur. He has also now indicated that we will get another batch of them done next week and that a mix of circuit and district judges is also anticipated. I am very pleased with that information and commend him for his efforts to move this process along. He has operated in extraordinarily good faith in working with me to try to move these nominations along. I know it is not easy. It is very difficult. But he has certainly been a major factor in getting us to this point.

We have again indicated the desire, as we have on several occasions, to bring up PNTR, at least through a motion to proceed beginning next Wednesday. I subscribe to his suggestion or his proposal that would allow us to vote on cloture on the motion to proceed on Friday. We would then have 30 hours of debate. Senators who wish to discuss the matter beyond the vote or perhaps preceding the vote would certainly be entitled to do so. We could have the vote either on Friday or immediately after we come back. That would accommodate at least overcoming one major hurdle. I applaud him for approaching the issue in that way.

Third, we have discussed on several occasions on the floor our hope and desire that we can use the dual track that worked very successfully in accommodating Senators' needs to address a number of issues but also in finishing legislation, as we did with the Defense authorization bill. There came a point when we had exhausted the amendment process and rightfully brought the issue to closure. I hope, as Senator LOTT has noted, that we might be able to do that with ESEA as well. It is important for us to resume this dual track. I am very pleased with the majority leader's commitment to continue a dual-track process over the course of the next couple of weeks. We have the opportunity to get a lot of work done—work on appropriations bills, work on judges, work on PNTR, and work on ESEA—as a dual-track vehicle with which we can work to offer other amendments. I am pleased with our discussions and hope we can proceed with that understanding.

I, again, thank the majority leader for his willingness to work with us and accommodate all of these important matters.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Montana.

Mr. BAUCUS. Mr. President, I compliment both leaders. This is incredibly complex, all of the scheduling. We have had lots of conversations. Every Senator in this body has had conversations with both of them, and I know they are trying to do their very best to work all this out. Not getting into any specific item, I am appreciative of the tone and nature of the conversation I have just heard and of the items mentioned. As one Senator, I wanted to tell them how much I appreciate their working together to get these things up along the lines they have outlined.

Mr. LEVIN. Will the majority leader yield?

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I am glad to yield to the Senator from Michigan.

Mr. LEVIN. Mr. President, I add my thanks to the two leaders for their efforts. We watch them with admiration as they seek to work through these multiple challenges. We have had many discussions concerning one of the items about which they talked. I just couldn't sit here without adding my gratitude to both of them.

Mr. LOTT. I thank the Senator.

Let me note, for instance, the types of things we do need to accommodate. The Senate tomorrow will want to accommodate Senators wishing to attend the services for Senator Pastore, a

great Senator from the State of Rhode Island. A delegation will be attending those services tomorrow morning. We will continue to work, but we will withhold the votes or stack the votes, if any are required, until the afternoon at 2 or 2:30. I don't know exactly what time it would be, but I know Senator COCHRAN would want to do that. That is the kind of situation we have to try to accommodate. We can't always dictate how we will proceed because we want to do this in memory of a Senator who served in this body for many years.

We will continue to act in good faith to try to make sure Senators' wishes are known and accommodated. We may not be able to get them all worked out. As to the NCAA gaming, I thought maybe we could move to proceed to that without objection, but there may be a legitimate one. I had promised a couple of Senators we would make sure they knew of that.

I will also need to talk to Senators about the best night that we could do some work on ESEA. Senator DASCHLE will want to do the same in view of that.

Mr. DASCHLE. Mr. President, if the majority leader will withhold, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. I understand there may be some clarification that needs to be completed before we can proceed to the appropriations bill for Agriculture.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to consideration of H.R. 4811, the House-passed foreign operations appropriations bill. I further ask unanimous consent that all after the enacting clause be stricken and the text of S. 2522, as amended, be inserted in lieu thereof, the bill be read the third time and passed with the motion to reconsider laid upon the table.

The bill (H.R. 4811), as amended, was read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4811) entitled ''An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of the enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $768,000,000 to remain available until September 30, 2004: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2019 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2001, 2002, 2003, and 2004: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $25,000 for official reception and representation expenses for members of the Board of Directors, $58,000,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2001.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $38,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2001 and 2002: Provided further, That such sums shall remain available through fiscal year 2010 for the disbursement of direct and guaranteed loans obligated in fiscal years 2001 and 2002: Provided further, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $46,000,000, to remain available until September 30, 2002: Provided, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 2002, for necessary expenses under this paragraph: Provided further, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2002, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106, and chapter 10 of part I of the Foreign Assistance Act of 1961, and title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533), $1,368,250,000, to remain available until September 30, 2002: Provided, That of the amount appropriated under this heading, up to $14,400,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That of the funds appropriated under this heading, not less than $425,000,000 shall be made available to carry out the provisions of section 104(b) of the Foreign Assistance Act of 1961: Provided further, That none of the funds made

available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, $2,500,000 may be transferred to ''International Organizations and Programs'' for a contribution to the International Fund for Agricultural Development (IFAD): Provided further, That of the aggregate amount of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, not less than $310,000,000 shall be made available for agriculture and rural development programs of which $30,000,000 shall be made available for plant biotechnology research and development: Provided further, That of amounts made available in the preceding proviso for plant biotechnology activities, $1,000,000 shall be made available for the University of Missouri International Laboratory for Tropical Agriculture Biotechnology, not less than $1,000,000 shall be made available for research and training foreign scientists at the University of California, Davis, and not less than $1,000,000 shall be made available to support a Center to Promote Biotechnology in International Agriculture at Tuskegee University: Provided further, That not less than $4,000,000 shall be made available for the International Fertilizer Development Center: Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES): Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the funds appropriated under this heading not less than $500,000 shall be made available for support of the United States Telecommunications Training Institute: Provided further, That of the funds appropriated under this heading, not less than $17,000,000 shall be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated under this heading, not less than $2,000,000 shall be available to support an international media training center: Provided further, That of the funds appropriated under this heading, and the heading ''Assistance for the Independent States'', up to $7,000,000 should be made available for Carelift International: Provided further, That, of the funds appropriated by this Act for the Microenterprise Initiative (including any local currencies made available for the purposes of the Initiative), not less than one-half should be made available for programs providing loans of less than $300 to very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loans: Provided further, That of the funds appropriated under this heading, up to $1,500,000 may be used to develop and integrate, where appropriate, educational programs aimed at eliminating the practice of female genital mutilation: Provided further, That of the funds to be appropriated under this heading, $2,500,000 is available for the Foundation for Environmental Security and Sustainability to support environmental threat assessments with interdisciplinary experts and academicians utilizing various technologies to address issues such as infectious disease, and other environmental indicators and warnings as they pertain to the security of an area: Provided further, That of the amount appropriated or otherwise made available under this heading, $1,500,000 shall be available only for Habitat for Humanity International, to be used to purchase 14 acres of land on behalf of Tibetan refugees living in northern India and for the construction of a multiunit development for Tibetan families.

GLOBAL HEALTH

For necessary expenses to carry out the provisions of Chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health and related activities, in addition to funds otherwise available for such purposes, $651,000,000 to remain available until September 30, 2002: Provided, That of the funds appropriated under this heading, not less than the amount of funds appropriated under the headings ''Development Assistance'' and ''Child Survival and Disease Program Fund'', for programs for the prevention, treatment, and control of, and research on, infectious diseases in developing countries in fiscal year 2000 shall be made available for such activities in fiscal year 2001, of which amount not less than $225,000,000 shall be made available for such programs for HIV/AIDS including not less than $15,000,000 which shall be made available to support the development of microbicides as a means for combating HIV/AIDS: Provided further, That of the funds appropriated under this heading for infectious diseases, not less than $35,000,000 should be made available for programs for the prevention, treatment, control of, and research on tuberculosis, and not less than $50,000,000 should be made available for programs for the prevention, treatment, and control of, and research on, malaria: Provided further, That of the funds appropriated under this heading, not less than $50,000,000 shall be made available for a United States contribution to the Global Fund for Children's Vaccines, notwithstanding any other provision of law: Provided further, That of the funds appropriated under this heading, not less than $1,200,000 should be made available to assist blind children.

CYPRUS

Of the funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

LEBANON

Of the funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $18,000,000 should be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon: Provided, That not less than $15,000,000 of the funds made available under this heading shall be made available from funds appropriated under the Economic Support Fund.

IRAQ

Notwithstanding any other provision of law, of the funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $25,000,000 shall be made available for programs benefitting the Iraqi people, of which not less than $15,000,000 shall be made available for food, medicine, and other humanitarian assistance (including related administrative, communications, logistical, and transportation costs) to be provided to the Iraqi people inside Iraq: Provided, That such assistance shall be provided through the Iraqi National Congress Support Foundation or the Iraqi National Congress: Provided further, That not less than $10,000,000 of the amounts made available for programs benefitting the Iraqi people shall be made available to the Iraqi National Congress Support Foundation or the Iraqi National Congress for the production and broadcasting inside Iraq of radio and satellite television programming: Provided further, That the President shall, not later than 30 days after the date of enactment of this Act, submit to the Committees on Appropriations of the Senate and the House of Representatives a plan (in classified or unclassified form) for the transfer to the Iraqi National Congress Support Foundation or the Iraqi National Congress of humanitarian assistance for the Iraqi people pursuant to this paragraph, and for the commencement of broadcasting operations by them pursuant to this paragraph.

BURMA

Of the funds appropriated under the headings ''Economic Support Fund'' and ''Development Assistance'', not less than $6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

CONSERVATION FUND

Of the funds made available under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $3,000,000 shall be made available to support the preservation of habitats and related activities for endangered wildlife.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the Agency for International Development may, on a case-by-case basis, waive the restriction contained in this paragraph, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $220,000,000, to remain available until expended.

DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT

For administrative expenses to carry out the direct and guaranteed loan programs, $4,000,000, which may be transferred to and merged with the appropriation for ''Operating Expenses of the Agency for International Development''.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the ''Foreign Service Retirement and Disability Fund'', as authorized by the Foreign Service Act of 1980, $44,489,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $510,000,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $25,000,000, to remain available until September 30, 2002, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,220,000,000, to remain available until September 30, 2002: Provided, That of the funds appropriated under this heading, not less than $840,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act or by October 31, 2000, whichever is later: Provided further, That not less than $695,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That for fiscal year 2001, up to the Egyptian pound equivalent of $50,000,000 generated from funds made available by this paragraph or generated from funds appropriated under this heading in prior appropriations Acts, may be made available to the United States pursuant to the United States-Egypt Economic, Technical and Related Assistance Agreements of 1978, for the following activities under such Agreements: up to the Egyptian pound equivalent of $35,000,000 may be made available for costs associated with the relocation of the American University in Cairo, and up to the Egyptian pound equivalent of $15,000,000 may be made available for projects and programs including establishment of an endowment, which promote the preservation and restoration of Egyptian antiquities, of which up to the Egyptian pound equivalent of $3,000,000 may be made available for the Theban Mapping Project: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement at least equivalent to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, not less than $150,000,000 shall be made available for assistance for Jordan: Provided further, That of funds made available under this heading not less than $2,000,000 shall be available to support the American Center for Oriental Research: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for assistance for East Timor of which up to $1,000,000 may be transferred to and merged with the appropriation for ''Operating Expenses of the Agency for International Development'': Provided further, That up to $10,000,000 of the funds appropriated under this heading should be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies: Provided further, That in the previous proviso, the term ''assistance'' includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $635,000,000, to remain available until September 30, 2002, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That of the funds appropriated under this heading not less than $89,000,000 shall be made available for assistance for Montenegro: Provided further, That of the funds made available under this heading and the headings ''International Narcotics Control and Law Enforcement'' and ''Economic Support Fund'', not to exceed $75,000,000 shall be made available for Bosnia and Herzegovina: Provided further, That of the funds appropriated under this heading and made available to support training of local Kosova police and the temporary International Police Force (IPF), not less than $250,000 shall be available only to assist law enforcement officials to better identify and respond to cases of trafficking in persons.

(b) Of the funds appropriated under this heading, not less than $60,000,000 should be made available for Croatia: Provided, That the Secretary of State shall make funds for activities and projects in Croatia available only after certifying that the Government of Croatia is fulfilling its declared commitments: (1) to cooperate with the International Criminal Tribunal for Yugoslavia including providing documents; (2) to take immediate steps to end Croatian financial, political, security, and other support which has served to maintain separate Herceg Bosna institutions; (3) to establish a swift timetable and cooperate in support of the safe return of refugees; and (4) to accelerate political, media, electoral and anti-corruption reforms: Provided further, That the Secretary of State shall report to the Committees on Appropriations 90 days after the date of enactment of this Act on the progress achieved by the Government of Croatia in fulfilling pledges made to meet the preceding proviso.

(c) None of the funds made available under this heading for Kosova shall be made available until the Secretary of State certifies that the resources obligated and expended by the United States in Kosova do not exceed 15 percent of the total resources obligated and expended by all donors: Provided, That none of the funds made available under this heading for Kosova shall be made available for large scale physical infrastructure reconstruction: Provided further, That of the funds made available under this heading for Kosova, not less than 50 percent shall be made available through non-government organizations: Provided further, That of the funds made available under this heading for Kosova, not less than $1,300,000 shall be made available to support the National Albanian American Council's training program for Kosovar women: Provided further, That of the funds appropriated under this heading not less than $750,000 shall be made available for a joint project developed by the University of Pristina, Kosova and the Dartmouth Medical School, U.S.A., to help restore the primary care capabilities at the University of Pristina Medical School and in Kosova.

(d) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(e) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(f) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(g) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and

Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(h) The provisions of section 532 of this Act shall apply to funds made available under subsection (g) and to funds appropriated under this heading.

(i) The President shall withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $775,000,000, to remain available until September 30, 2002: Provided, That the provisions of such chapter shall apply to funds appropriated by this paragraph: Provided further, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the amounts appropriated under this heading not less than $20,000,000 shall be made available solely for the Russian Far East, not less than $400,000 shall be made available to support the Cochran Fellowship Program in Russia, and not less than $250,000 shall be made available to support the Moscow School of Political Studies: Provided further, That of the funds appropriated under this heading, not less than $1,500,000 shall be available only to meet the health and other assistance needs of victims of trafficking in persons.

(b) Of the funds appropriated under this heading, not less than $175,000,000 should be made available for assistance for Ukraine: Provided, That of this amount, not less than $25,000,000 shall be made available for nuclear reactor safety initiatives, not less than $1,000,000 shall be made available to the University of Southern Alabama to study environmental causes of birth defects, and not less than $5,000,000 shall be made available for the Ukranian Land and Resource Management Center.

(c) Of the funds appropriated under this heading, not less than $94,000,000 shall be made available for assistance for Georgia of which not less than $25,000,000 shall be made available to support Border Security Guard initiatives, and not less than $5,000,000 shall be made available for development and training of municipal officials in water resource management, transportation and agribusiness.

(d) Of the funds appropriated under this heading, not less than $89,000,000 shall be made available for assistance for Armenia.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

(f) Of the funds made available under this heading for nuclear safety activities, not to exceed 7 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States agency or national lab in administering said project.

(g) Of the funds appropriated under title II of this Act not less than $12,000,000 shall be made available for assistance for Mongolia of which not less than $6,000,000 should be made available from funds appropriated under this heading: Provided, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(h)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(i) None of the funds appropriated under this heading may be made available for assistance for the Government of the Russian Federation until the Secretary of State certifies that: (a) the Government of the Russian Federation is fully cooperating with international efforts to investigate allegations of war crimes and atrocities in Chechnya; and, (b) the Government of the Russian Federation is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya: Provided, That of the funds appropriated under this heading for assistance for Russia, not less than $10,000,000 shall be made available to non-government organizations providing humanitarian relief in Chechnya and Ingushetia.

INDEPENDENT AGENCY

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $244,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside the United States: Provided, That $24,000,000 of such sums be made available from funds already appropriated by the Act, that are not otherwise earmarked for specific purposes: Provided further, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2002.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $220,000,000.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $615,000,000, which shall remain available until expended: Provided, That not more than $14,000,000 shall be available for administrative expenses: Provided further, That funds appropriated under this heading to support activities and programs conducted by the United Nations High Commissioner for Refugees shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That not less than $60,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $15,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $215,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That 20 days prior to the obligation of funds for use by the Comprehensive Test Ban Treaty Preparatory Commission, the Secretary of State shall provide a report to the Committees on Appropriations describing the anticipated use of such funds: Provided further, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its

right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, $40,000,000 should be made available for demining, clearance of unexploded ordnance, and related activities: Provided further, That of the funds made available for demining and related activities, not to exceed $500,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $5,000,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), $75,000,000, to remain available until expended: Provided, That of this amount, funds may be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961 or as a contribution to the Heavily Indebted Poor Countries Trust Fund administered by the International Bank for Reconstruction and Development: Provided further, That funds made available to carry out the provisions of part V of the Foreign Assistance Act of 1961 or as a contribution to the Heavily Indebted Poor Countries Initiative (HIPC) or the HIPC Trust Fund shall be subject to authorization and approval by Congress: Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated hereunder or previously appropriated under this heading: Provided further, That the authority provided by section 572 of Public Law 100–461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $55,000,000: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,519,000,000: Provided, That of the funds appropriated under this heading, not less than $1,980,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 2000, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than 26.26 percent shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $75,000,000 shall be available for assistance for Jordan: Provided further, That of the funds appropriated by this paragraph, not less than $10,000,000 shall be made available for assistance for Tunisia: Provided further, That during fiscal year 2001, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $4,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That of the funds appropriated by this paragraph, not less than $12,000,000 shall be made available for Georgia: Provided further, That during fiscal year 2001, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $5,000,000 under the authority of this proviso for Georgia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That pursuant to section 3(a)(2) of the Arms Export Control Act and section 505(a)(1)(B) of the Foreign Assistance Act of 1961, the United States consents to the transfer by Turkey to Georgia of defense articles sold by the United States to Turkey having an aggregate, current market value of not to exceed $10,000,000 for fiscal year 2001: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $33,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $340,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2001 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2001 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act or by October 31, 2000, whichever is later: Provided further, That withdrawal from the account shall be made only on authenticated instructions from the Defense Finance and Accounting Service: Provided further, That in the event the interest bearing account is closed, the balance of the account shall be transferred promptly to the current appropriations account under this heading: Provided further, That none of the interest accrued by the account shall be obligated except as provided through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $85,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $50,000,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended, for contributions previously due.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $750,000,000, to remain available until expended.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the

Treasury, $4,000,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $80,000,000.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, $10,000,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $100,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $6,100,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $95,983,000.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $72,000,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,779,000, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,238,000.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $288,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That not less than $5,000,000 shall be made available to the World Food Program: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for the United Nations Fund for Population Activities (UNFPA): Provided further, That none of the funds appropriated under this heading that are made available to UNFPA shall be made available for activities in the People's Republic of China: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled ''International Disaster Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund'', not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961: Provided, That none of the funds appropriated by title II of this Act may be transferred by the Agency for International Development directly to an international financial institution (as defined in section 533 of this Act) for the purpose of repaying a foreign country's loan obligations to such institution.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading ''Foreign Military Financing Program'', not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading ''International Military Education and Training'', not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading ''Trade and Development Agency'', not to exceed $2,000 shall be available for representation and entertainment allowances

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for ''Nonproliferation, Anti-terrorism, Demining and Related Programs'') pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 2001, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified 15 days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 2001.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading ''Assistance for Eastern Europe and the Baltic States'', shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for

cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any government which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such government by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for ''Development Assistance'', ''Global Health'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Assistance for Eastern Europe and the Baltic States'', ''Assistance for the Independent States'', ''Economic Support Fund'', ''Peacekeeping Operations'', ''Operating Expenses of the Agency for International Development'', ''Operating Expenses of the Agency for International Development Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peace Corps'', and ''Migration and Refugee Assistance'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2002.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading ''Assistance for the Independent States'' shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading ''Assistance for the Independent States'' shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading ''Assistance for the Independent States'' shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading ''Assistance for the Independent States'' shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading ''Assistance for the Independent States'' and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be

used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2001, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Haiti, Liberia, Pakistan, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development ''program, project, and activity'' shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES

SEC. 522. Up to $10,000,000 of the funds made available by this Act for assistance for health, family planning, child survival, environment, basic education, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out child survival, basic education, and infectious disease activities: Provided, That up to $1,500,000 of the funds made available by this Act for assistance under the heading ''Development Assistance'' may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, Acquired Immune Deficiency Syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY IN CHINA

SEC. 526. Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this Act for ''Economic Support Fund'' may be made available to provide general support and grants for nongovernmental organizations located outside the People's Republic of China that have as their primary purpose fostering democracy in that country, and for activities of nongovernmental organizations located outside the People's Republic of China to foster rule of law and democracy in that country: Provided, That none of the funds made available for activities to foster democracy in the People's Republic of China may be made available for assistance to the government of that country, except that funds appropriated by this Act under the heading ''Economic Support Fund'' that are made available for the National Endowment for Democracy or its grantees may be made available for activities to foster democracy in that country notwithstanding this proviso and any other provision of law: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 530. (a) PROHIBITION.—Notwithstanding any other provision of law and except as provided in subsection (b), the United States may not sell or otherwise make available under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961 any Stinger ground-to-air missiles to any country bordering the Persian Gulf.

(b) ADDITIONAL TRANSFERS AUTHORIZED.—In addition to other defense articles authorized to be transferred by section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 1990, the United States may sell or make available, under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961, Stinger ground-to-air missiles to any country bordering the Persian Gulf in order to replace, on a one-for-one basis, Stinger missiles previously furnished to such country if the Stinger missiles to be replaced are nearing the scheduled expiration of their shelf-life.

DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, ''international financial institutions'' are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT, AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 535. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for ''International Organizations and Programs'' in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agricultural Development.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 536. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

FUNDING PROHIBITION FOR SERBIA

SEC. 537. None of the funds appropriated by this Act may be made available for assistance for the Republic of Serbia: Provided, That this restriction shall not apply to assistance for Kosova or Montenegro, or to assistance to promote democratization: Provided further, That section 620(t) of the Foreign Assistance Act of 1961, as amended, shall not apply to Kosova or Montenegro.

SPECIAL AUTHORITIES

SEC. 538. (a) Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Kosova, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 539. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(4) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 540. Of the funds appropriated or otherwise made available by this Act for ''Economic Support Fund'', assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961 are repealed.

ELIGIBILITY FOR ASSISTANCE

SEC. 541. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'': Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2001, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

EARMARKS

SEC. 542. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 543. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 544. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 545. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the sense of the Congress that, to the greatest extent practicable, all agriculture commodities, equipment and products purchased with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

(d) The Secretary of the Treasury shall report to Congress annually on the efforts of the heads of each Federal agency and the United States directors of international financial institutions (as referenced in section 514) in complying with this sense of the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 546. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

CONSULTING SERVICES

SEC. 547. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 548. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 549. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 550. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of the enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 551. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 552. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That 60 days after the date of the enactment of this Act, and every 180 days thereafter until September 30, 2001, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia: Provided further, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: Provided further, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 553. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 554. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 555. None of the funds appropriated or otherwise made available by this Act under the headings ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Global Health'', ''Development Assistance'', and ''Economic Support Fund'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 556. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 557. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as ''Paris Club Agreed Minutes''.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 558. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled

and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

ASSISTANCE FOR HAITI

SEC. 559. None of the funds made available by this or any previous appropriations Act for foreign operations, export financing and related programs shall be made available to the Government of Haiti until the Secretary of State reports to the Committees on Appropriations that Haiti has held free and fair elections to seat a new parliament.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 560. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1999.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term ''United States assistance'' has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 561. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term ''United States person'' refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

HAITI NATIONAL POLICE AND COAST GUARD

SEC. 562. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 563. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 564. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 565. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or municipality described in subsection (e).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (e).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (e), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term ''international financial institution'' includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or municipality and a nonsanctioned contiguous country, entity, or municipality, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or municipality and if the portion of the project located in the sanctioned country, entity, or municipality is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by United States Armed Forces that promote good relations between such forces and the officials and citizens of the areas in the United States SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement;

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity; or

(H) assistance to the International Police Task Force for the training of a civilian police force.

(I) assistance to refugees and internally displaced persons returning to their homes in Bosnia from which they had been forced to leave on the basis of their ethnicity.

(2) NOTIFICATION.—Every 60 days the Secretary of State, in consultation with the Administrator of the Agency for International Development, shall publish in the Federal Register and/or in a comparable publicly accessible document or Internet site, a listing and justification of any assistance that is obligated within that period of time for any country, entity, or municipality described in subsection (e), including a description of the purpose of the assistance, project and its location, by municipality.

(d) FURTHER LIMITATIONS.—Notwithstanding subsection (c)—

(1) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or municipality described in subsection (e), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(2) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in any sanctioned country, entity, or municipality described in subsection (e) in which a person publicly indicted by the Tribunal is in residence or is engaged in extended activity and competent local authorities have failed to notify the Tribunal or failed to take necessary and significant steps to apprehend and transfer such persons to the Tribunal or in which competent local authorities have obstructed the work of the Tribunal.

(e) SANCTIONED COUNTRY, ENTITY, OR MUNICIPALITY.—A sanctioned country, entity, or municipality described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(f) SPECIAL RULE.—Subject to subsection (d), subsections (a) and (b) shall not apply to the provision of assistance to an entity that is not a sanctioned entity, notwithstanding that such entity may be within a sanctioned country, if the Secretary of State determines and so reports to the appropriate congressional committees that providing assistance to that entity would promote peace and internationally recognized human rights by encouraging that entity to cooperate fully with the Tribunal.

(g) CURRENT RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND MUNICIPALITIES.—

(1) IN GENERAL.—The Secretary of State shall establish and maintain a current record of the location, including the municipality, if known,

of publicly indicted war criminals and a current record of sanctioned countries, entities, and municipalities.

(2) INFORMATION OF THE DCI AND THE SECRETARY OF DEFENSE.—The Director of Central Intelligence and the Secretary of Defense should collect and provide to the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals.

(3) INFORMATION OF THE TRIBUNAL.—The Secretary of State shall request that the Tribunal and other international organizations and governments provide the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals and concerning country, entity and municipality authorities known to have obstructed the work of the Tribunal.

(4) REPORT.—Beginning 30 days after the date of the enactment of this Act, and not later than September 1 each year thereafter, the Secretary of State shall submit a report in classified and unclassified form to the appropriate congressional committees on the location, including the municipality, if known, of publicly indicted war criminals, on country, entity and municipality authorities known to have obstructed the work of the Tribunal, and on sanctioned countries, entities, and municipalities.

(5) INFORMATION TO CONGRESS.—Upon the request of the chairman or ranking minority member of any of the appropriate congressional committees, the Secretary of State shall make available to that committee the information recorded under paragraph (1) in a report submitted to the committee in classified and unclassified form.

(h) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or municipality upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (1) the Secretary of State shall submit a report to the Committees on Appropriations and Foreign Relations and the Select Committee on Intelligence of the Senate and the Committees on Appropriations and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(i) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or municipality have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(j) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term ''country'' means Bosnia-Herzegovina, Croatia, and Serbia.

(2) ENTITY.—The term ''entity'' refers to the Federation of Bosnia and Herzegovina, Kosova, Montenegro, and the Republika Srpska.

(3) DAYTON AGREEMENT.—The term ''Dayton Agreement'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(4) TRIBUNAL.—The term ''Tribunal'' means the International Criminal Tribunal for the Former Yugoslavia.

(k) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this section, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (e).

DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 566. None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

GREENHOUSE GAS EMISSIONS

SEC. 567. (a) Funds made available in this Act to support programs or activities the primary purpose of which is promoting or assisting country participation in the Kyoto Protocol to the Framework Convention on Climate Change (FCCC) shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) The President shall provide a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international obligations for such activities in fiscal year 2001, and any plan for programs thereafter related to the implementation or the furtherance of protocols pursuant to, or related to negotiations to amend the FCCC in conjunction with the President's submission of the Budget of the United States Government for Fiscal Year 2002: Provided, That such report shall include an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix: Provided further, That such report shall identify with regard to the Agency for International Development, obligations and expenditures by country or central program and activity.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 568. None of the funds appropriated or otherwise made available by this Act may be provided to the Central Government of the Democratic Republic of Congo.

ENTERPRISE FUND RESTRICTIONS

SEC. 569. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 570. (a) The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to support basic human needs.

(b) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

FOREIGN MILITARY EXPENDITURES REPORT

SEC. 571. (a) Section 511(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993 (Public Law 102–391) is amended by repealing paragraph (2) relating to military expenditures.

(b) Not later than February 15, 2001, the Secretary of the Treasury shall submit a report to the Committees on Appropriations which describes how the provisions of section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended (Public Law 104–208), and of section 1502(b) of title XV of the International Financial Institutions Act (22 U.S.C. 262o) as amended, are being implemented. This report shall identify, among other things—

(1) the countries found not to be in compliance with the provisions of section 576 and the instances where the United States Executive Director to an international financial institution has voted to oppose a loan or other utilization of funds as a result of the requirements of that section;

(2) steps taken by the governments of countries receiving loans or other funds from such institutions to establish the reporting systems addressed in section 576;

(3) any instances in which such governments have failed to provide information about the governments' audit process requested by an international financial institution; and

(4) any policy changes that have been made by the international financial institutions with regard to providing loans or other funds to countries which expend a significant portion of their financial resources for their armed forces and security forces, and with regard to requiring, and providing technical assistance for, audits of receipts and expenditures of such armed forces and security forces.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 572. (a) Of the funds made available under the heading ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', not to exceed $35,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as ''KEDO''), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Of the funds made available for KEDO, up to $15,000,000 may be made available prior to June 1, 2001, if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula in which the Government of North Korea has committed not to test, manufacture, produce, receive, possess, store, deploy, or use nuclear weapons, and not to possess nuclear reprocessing or uranium enrichment facilities;

(2) the parties to the Agreed Framework have taken and continue to take demonstrable steps to pursue the North-South dialogue;

(3) North Korea is complying with all provisions of the Agreed Framework;

(4) North Korea has not diverted assistance provided by the United States for purposes for which it was not intended; and

(5) North Korea is not seeking to develop or acquire the capability to enrich uranium, or any

additional capability to reprocess spent nuclear fuel.

(c) Of the funds made available for KEDO, up to $20,000,000 may be made available on or after June 1, 2001, if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the effort to can and safely store all spent fuel from North Korea's graphite-moderated nuclear reactors has been successfully concluded;

(2) North Korea is complying with its obligations under the agreement regarding access to suspect underground construction;

(3) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons; and

(4) the United States has made and is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

(d) The President may waive the certification requirements of subsections (b) and (c) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate congressional committees prior to his exercise of such waiver. No funds may be obligated for KEDO until 30 days after submission to Congress of such waiver.

(e) The Secretary of State shall submit to the appropriate congressional committees a report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year 2002 request for the United States contribution to KEDO, the expected operating budget of the KEDO, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

AFRICAN DEVELOPMENT FOUNDATION

SEC. 573. Funds made available to grantees of the African Development Foundation may be invested pending expenditure for project purposes when authorized by the President of the Foundation: Provided, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That this authority applies to interest earned both prior to and following enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations in advance of exercising such waiver authority.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 574. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 575. (a) DEFINITIONS.—For the purposes of this section—

(1) the term ''agency'' means the United States Agency for International Development;

(2) the term ''Administrator'' means the Administrator, United States Agency for International Development; and

(3) the term ''employee'' means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(C) an employee who is to be separated involuntarily for misconduct or unacceptable performance, and to whom specific notice has been given with respect to that separation;

(D) an employee who has previously received any voluntary separation incentive payment by the Government of the United States under this section or any other authority and has not repaid such payment;

(E) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(F) any employee who, during the 24-month period preceding the date of separation, received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754 of such title 5.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The Administrator, before obligating any resources for voluntary separation incentive payments under this section, shall submit to the Committees on Appropriations and the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered;

(C) a description of how the agency will operate without the eliminated positions and functions; and

(D) the time period during which incentives may be paid.

(3) APPROVAL.—The Director of the Office of Management and Budget shall review the agency's plan and approve or disapprove the plan and may make appropriate modifications in the plan with respect to the coverage of incentives as described under paragraph (2)(A), and with respect to the matters described in paragraphs (2)(B) through (D).

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by the agency to employees of such agency and only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment under this section—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(ii) an amount determined by the agency head not to exceed $25,000;

(D) may not be made except in the case of any employee who voluntarily separates (whether by retirement or resignation) on or before December 31, 2001;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term ''final basic pay'', with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—

(1) An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the Government of the United States through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(2) If the employment under paragraph (1) is with an Executive agency (as defined by section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) If the employment under paragraph (1) is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(4) If the employment under paragraph (1) is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant for the position.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) REGULATIONS.—The Office of Personnel Management may prescribe such regulations as may be necessary to implement this section.

KYOTO PROTOCOL

SEC. 576. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol, which was adopted on December 11, 1997, in Kyoto, Japan, at the

Third Conference of the Parties to the United States Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 577. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end, the following: ''and $50,000,000 for fiscal year 2001''.

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by inserting at the end thereof the following sentence: ''Of the amount specified in subparagraph (A) for fiscal year 2001, not more than $50,000,000 may be made available for stockpiles in the Republic of Korea.''.

ABOLITION OF THE INTER-AMERICAN FOUNDATION

SEC. 578. (a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(2) FOUNDATION.—The term ''Foundation'' means the Inter-American Foundation.

(3) FUNCTION.—The term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(b) ABOLITION OF INTER-AMERICAN FOUNDATION.—During fiscal year 2001, the President is authorized to abolish the Inter-American Foundation. The provisions of this section shall only be effective upon the effective date of the abolition of the Inter-American Foundation.

(c) TERMINATION OF FUNCTIONS.—

(1) Except as provided in subsection (d)(2), there are terminated upon the abolition of the Foundation all functions vested in, or exercised by, the Foundation or any official thereof, under any statute, reorganization plan, Executive order, or other provisions of law, as of the day before the effective date of this section.

(2) REPEAL.—Section 401 of the Foreign Assistance Act of 1969 (22 U.S.C. 290f) is repealed upon the effective date specified in subsection (j).

(3) FINAL DISPOSITION OF FUNDS.—Upon the date of transmittal to Congress of the certification described in subsection (d)(4), all unexpended balances of appropriations of the Foundation shall be deposited in the miscellaneous receipts account of the Treasury of the United States.

(d) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall be responsible for—

(A) the administration and wind-up of any outstanding obligation of the Federal Government under any contract or agreement entered into by the Foundation before the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, except that the authority of this subparagraph does not include the renewal or extension of any such contract or agreement; and

(B) taking such other actions as may be necessary to wind-up any outstanding affairs of the Foundation.

(2) TRANSFER OF FUNCTIONS TO THE DIRECTOR.—There are transferred to the Director such functions of the Foundation under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the date of the enactment of this section, as may be necessary to carry out the responsibilities of the Director under paragraph (1).

(3) AUTHORITIES OF THE DIRECTOR.—For purposes of performing the functions of the Director under paragraph (1) and subject to the availability of appropriations, the Director may—

(A) enter into contracts;

(B) employ experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule; and

(C) utilize, on a reimbursable basis, the services, facilities, and personnel of other Federal agencies.

(4) CERTIFICATION REQUIRED.—Whenever the Director determines that the responsibilities described in paragraph (1) have been fully discharged, the Director shall so certify to the appropriate congressional committees.

(e) REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall submit to the appropriate congressional committees a detailed report in writing regarding all matters relating to the abolition and termination of the Foundation. The report shall be submitted not later than 90 days after the termination of the Foundation.

(f) TRANSFER AND ALLOCATION OF APPROPRIATIONS.—Except as otherwise provided in this section, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under subsection (g)(3)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions, terminated by subsection (c)(1) or transferred by subsection (d)(2) shall be transferred to the Director for purposes of carrying out the responsibilities described in subsection (d)(1).

(g) SAVINGS PROVISIONS.—

(1) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the Foundation in the performance of functions that are terminated or transferred under this section; and

(B) that are in effect as of the date of the abolition of the Foundation, or were final before such date and are to become effective on or after such date,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) NO EFFECT ON JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.—Except as otherwise provided in this section—

(A) the provisions of this section shall not affect suits commenced prior to the date of the abolition of the Foundation; and

(B) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this section had not been enacted.

(3) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Foundation shall abate by reason of the enactment of this section. No cause of action by or against the Foundation, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this section.

(4) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the date of the abolition of the Foundation, the Foundation, or officer thereof in the official capacity of such officer, is a party to a suit, then effective on such date such suit shall be continued with the Director substituted or added as a party.

(5) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Director in the exercise of functions terminated or transferred under this section shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been taken by the Foundation immediately preceding their termination or transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this section shall apply to the exercise of such function by the Director.

(h) CONFORMING AMENDMENTS.—

(1) AFRICAN DEVELOPMENT FOUNDATION.—Section 502 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 290h) is amended—

(A) by inserting ''and'' at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4) and (5).

(2) SOCIAL PROGRESS TRUST FUND AGREEMENT.—Section 36 of the Foreign Assistance Act of 1973 is amended—

(A) in subsection (a)—

(i) by striking ''provide for'' and all that follows through ''(2) utilization'' and inserting ''provide for the utilization''; and

(ii) by striking ''member countries;'' and all that follows through ''paragraph (2)'' and inserting ''member countries.'';

(B) in subsection (b), by striking ''transfer or'';

(C) by striking subsection (c);

(D) by redesignating subsection (d) as subsection (c); and

(E) in subsection (c) (as so redesignated), by striking ''transfer or''.

(3) FOREIGN ASSISTANCE ACT OF 1961.—Section 222A(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182a(d)) is repealed.

(i) DEFINITION.—In this section, the term ''appropriate congressional committees'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(j) EFFECTIVE DATES.—The repeal made by subsection (c)(2) and the amendments made by subsection (h) shall take effect upon the date of transmittal to Congress of the certification described in subsection (d)(4).

WEST BANK AND GAZA PROGRAM

SEC. 579. For fiscal year 2001, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading ''Economic Support Fund'' for the West Bank and Gaza.

INDONESIA

SEC. 580. (a) Funds appropriated by this Act under the headings ''International Military Education and Training'' and ''Foreign Military Financing Program'' may be made available to the Government of Indonesia if the President determines and submits a report to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are—

(1) taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations;

(2) taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting militia groups;

(3) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

(4) not impeding the activities of the United Nations Transitional Authority in East Timor;

(5) demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor; and

(6) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the Indonesian Armed Forces and militia groups responsible for human rights violations in Indonesia and East Timor.

WORKING CAPITAL FUND

SEC. 581. (a) Section 635 of the Foreign Assistance Act of 1961 (22 U.S.C. 2395) is amended by adding a new subsection (l) as follows:

''(l)(1) There is hereby established a working capital fund for the Agency for International Development which shall be available without fiscal year limitation for the expenses of personal and nonpersonal services, equipment and supplies for International Cooperative Administrative Support Services.

''(2) The capital of the fund shall consist of the fair and reasonable value of such supplies, equipment and other assets pertaining to the functions of the fund as the Administrator determines, rebates from the use of United States Government credit cards, and any appropriations made available for the purpose of providing capital, less related liabilities and unpaid obligations.

''(3) The fund shall be reimbursed or credited with advance payments for services, equipment or supplies provided from the fund from applicable appropriations and funds of the agency, other Federal agencies and other sources authorized by section 607 of this Act at rates that will recover total expenses of operation, including accrual of annual leave and depreciation. Receipts from the disposal of, or payments for the loss or damage to, property held in the fund, rebates, reimbursements, refunds and other credits applicable to the operation of the fund may be deposited in the fund.

''(4) The agency shall transfer to the Treasury as miscellaneous receipts as of the close of the fiscal year such amounts which the Administrator determines to be in excess of the needs of the fund.

''(5) The fund may be charged with the current value of supplies and equipment returned to the working capital of the fund by a post, activity or agency and the proceeds shall, if otherwise authorized, be credited to current applicable appropriations.''.

IMMUNITY OF FEDERAL REPUBLIC OF YUGOSLAVIA

SEC. 582. (a) Subject to subsection (b), the Federal Republic of Yugoslavia shall be deemed to be a state sponsor of terrorism for the purposes of 28 U.S.C. 1605(a)(7).

(b) This section shall not apply to Montenegro or Kosova.

(c) This section shall become null and void when the President certifies in writing to the Congress that the Federal Republic of Yugoslavia (other than Montenegro and Kosova) has completed a democratic reform process that results in a newly elected government that respects the rights of ethnic minorities, is committed to the rule of law and respects the sovereignty of its neighbor states.

(d) The certification provided for in subsection (c) shall not affect the continuation of litigation commenced against the Federal Republic of Yugoslavia prior to its fulfillment of the conditions in subsection (c).

CONSULTATIONS ON ARMS SALES TO TAIWAN

SEC. 583. Consistent with the intent of Congress expressed in the enactment of section 3(b) of the Taiwan Relations Act, the Secretary of State shall consult with the appropriate committees and leadership of Congress to devise a mechanism to provide for congressional input prior to making any determination on the nature or quantity of defense articles and services to be made available to Taiwan.

SANCTIONS AGAINST SERBIA

SEC. 584. (a) CONTINUATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions listed in subsection (b) shall remain in effect for fiscal year 2001, unless the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations of the House of Representatives a certification described in subsection (c).

(b) APPLICABLE SANCTIONS.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia.

(2) The Secretary of State should instruct the United States Ambassador to the Organization for Security and Cooperation in Europe (OSCE) to block any consensus to allow the participation of Serbia in the OSCE or any organization affiliated with the OSCE.

(3) The Secretary of State should instruct the United States Representative to the United Nations to vote against any resolution in the United Nations Security Council to admit Serbia to the United Nations or any organization affiliated with the United Nations, to veto any resolution to allow Serbia to assume the United Nations' membership of the former Socialist Federal Republic of Yugoslavia, and to take action to prevent Serbia from assuming the seat formerly occupied by the Socialist Federal Republic of Yugoslavia.

(4) The Secretary of State should instruct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization to oppose the extension of the Partnership for Peace program or any other organization affiliated with NATO to Serbia.

(5) The Secretary of State should instruct the United States Representatives to the Southeast European Cooperative Initiative (SECI) to oppose and to work to prevent the extension of SECI membership to Serbia.

(c) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) the representatives of the successor states to the Socialist Federal Republic of Yugoslavia have successfully negotiated the division of assets and liabilities and all other succession issues following the dissolution of the Socialist Federal Republic of Yugoslavia;

(2) the Government of Serbia is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia and Herzegovina;

(3) the Government of Serbia is fully cooperating with and providing unrestricted access to the International Criminal Tribunal for the former Yugoslavia, including surrendering persons indicted for war crimes who are within the jurisdiction of the territory of Serbia, and with the investigations concerning the commission of war crimes and crimes against humanity in Kosova;

(4) the Government of Serbia is implementing internal democratic reforms; and

(5) Serbian federal governmental officials, and representatives of the ethnic Albanian community in Kosova have agreed on, signed, and begun implementation of a negotiated settlement on the future status of Kosova.

(d) STATEMENT OF POLICY.—It is the sense of the Congress that the United States should not restore full diplomatic relations with Serbia until the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations in the House of Representatives the certification described in subsection (c).

(e) EXEMPTION OF MONTENEGRO AND KOSOVA.—The sanctions described in subsection (b) shall not apply to Montenegro or Kosova.

(f) DEFINITION.—The term ''international financial institution'' includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(g) WAIVER AUTHORITY.—The President may waive the application in whole or in part, of any sanction described in subsection (b) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs.

CLEAN COAL TECHNOLOGY

SEC. 585. (a) FINDINGS.—The Congress finds as follows:

(1) The United States is the world leader in the development of environmental technologies, particularly clean coal technology.

(2) Severe pollution problems affecting people in developing countries, and the serious health problems that result from such pollution, can be effectively addressed through the application of United States technology.

(3) During the next century, developing countries, particularly countries in Asia such as China and India, will dramatically increase their consumption of electricity, and low quality coal will be a major source of fuel for power generation.

(4) Without the use of modern clean coal technology, the resultant pollution will cause enormous health and environmental problems leading to diminished economic growth in developing countries and, thus, diminished United States exports to those growing markets.

(b) STATEMENT OF POLICY.—It is the policy of the United States to promote the export of United States clean coal technology. In furtherance of that policy, the Secretary of State, the Secretary of the Treasury (acting through the United States executive directors to international financial institutions), the Secretary of Energy, and the Administrator of the United States Agency for International Development (USAID) should, as appropriate, vigorously promote the use of United States clean coal technology in environmental and energy infrastructure programs, projects and activities. Programs, projects and activities for which the use of such technology should be considered include reconstruction assistance for the Balkans, activities carried out by the Global Environment Facility, and activities funded from USAID's Development Credit Authority.

REPEAL OF UNOBLIGATED BALANCE RESTRICTIONS

SEC. 586. (a) The final proviso under the heading ''Foreign Military Financing Program'' in Title VI of the Foreign Operations, Export Financing, and Related Programs as enacted into law by section 1000(a)(2) of division B of Public Law 106–113 (113 STAT. 1501A–133), is repealed.

(b) Subsection (a) shall be effective immediately upon the enactment of this Act.

REPEAL OF REQUIREMENT FOR ANNUAL GAO REPORT ON THE FINANCIAL OPERATIONS OF THE INTERNATIONAL MONETARY FUND

SEC. 587. Section 1706 of the International Financial Institutions Act (22 U.S.C. 262r–5) is repealed.

EXTENSION OF GAO AUTHORITIES

SEC. 588. The funds made available to the Comptroller General pursuant to Title I, Chapter 4 of Public Law 106–31 shall remain available until expended.

PROCUREMENT AUTHORITY

SEC. 589. Funds appropriated by this or any prior Acts making appropriations for foreign operations, export financing, and related programs, that are provided to the National Endowment for Democracy shall be provided in a manner that is consistent with the last sentence of section 503(a) of the National Endowment for Democracy Act and Comptroller General Decisions No. B–203681 of June 6, 1985, and No. B–248111 of September 9, 1992, and the National

Endowment for Democracy shall be deemed ''the awarding agency'' for purposes of implementing Office of Management and Budget Circular A–122 as dated June 1, 1998, or any successor circular.

FUNDING FOR PRIVATE ORGANIZATIONS

SEC. 590. Notwithstanding any other provision of law, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations and multilateral organizations—

(1) shall not be subject to requirements related to the use of non-United States Government funds for advocacy and lobbying activities more restrictive than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act; and

(2) shall not be ineligible for such assistance solely on the basis of health or medical services provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States.

PROCUREMENT AND FINANCIAL MANAGEMENT REFORM

SEC. 591. (a) FUNDING CONDITIONS.—Of the funds made available under the heading ''International Financial Institutions'' in this or any prior Foreign Operations, Export Financing, or Related Programs Act, 10 percent of the United States portion or payment to such International Financial Institution shall be withheld by the Secretary of the Treasury, until the Secretary certifies that—

(1) the institution is implementing procedures for conducting semi-annual audits by qualified independent auditors for all new lending;

(2) the institution has taken steps to establish an independent fraud and corruption investigative organization or office;

(3) the institution has implemented a program to assess a recipient country's procurement and financial management capabilities including an analysis of the risks of corruption prior to initiating new lending; and

(4) the institution is taking steps to fund and implement measures to improve transparency and anti-corruption programs and procurement and financial management controls in recipient countries.

(b) REPORT.—The Secretary of the Treasury shall report on March 1, 2001 to the Committees on Appropriations on progress made to fulfill the objectives identified in subsection (a).

(c) DEFINITIONS.—The term ''International Financial Institutions'' means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Enterprise for the Americas Multilateral Investment Fund, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the International Monetary Fund.

USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP

SEC. 592. Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are made available for the United States-Asia Environmental Partnership may be made available for activities for the People's Republic of China.

EDUCATION AND ANTI-CORRUPTION ASSISTANCE

SEC. 593. Section 638 of the Foreign Assistance Act of 1961 (22 U.S.C. 2398) is amended by adding at the end the following new subsection:

''(c) Notwithstanding any provision of law that restricts assistance to foreign countries, funds made available to carry out the provisions of part I of this Act may be furnished for assistance for education programs and for anti-corruption programs, except that this subsection shall not apply to section 490(e) or 620A of this Act or any other comparable provision of law.''.

INDOCHINESE PAROLEES

SEC. 594. Notwithstanding any other provision of law, any national of Vietnam, Cambodia, or Laos who was paroled into the United States before October 1, 1997 shall be eligible to make an application for adjustment of status pursuant to section 599E of Public Law 101–167.

NONPROLIFERATION AND ANTI-TERRORISM PROGRAMS

SEC. 595. It is the sense of Congress that—

(1) the programs contained in the Department of State's Nonproliferation, Antiterrorism, Demining, and Related Programs (NADR) budget line are vital to the national security of the United States; and

(2) funding for those programs should be restored in any conference report with respect to this Act to the levels requested in the President's budget.

MOTHER-TO-CHILD TRANSMISSION OF HIV/AIDS IN SUB-SAHARAN AFRICA

SEC. 596. (a) FINDINGS.—The Senate finds that:

(1) According to the World Health Organization, in 1999, there were 5,600,000 new cases of HIV/AIDS throughout the world, and two-thirds of those (3,800,000) were in sub-Saharan Africa.

(2) Sub-Saharan Africa is the only region in the world where a majority of those with HIV/AIDS—55 percent—are women.

(3) When women get the disease, they often pass it along to their children, and over 2,000,000 children in sub-Saharan Africa are living with HIV/AIDS.

(4) New investments and treatments hold out promise of making progress against mother-to-child transmission of HIV/AIDS. For example—

(A) a study in Uganda demonstrated that a new drug could prevent almost one-half of the HIV transmissions from mothers to infants, at a fraction of the cost of other treatments; and

(B) a study of South Africa's population estimated that if all pregnant women in that country took an antiviral medication during labor, as many as 110,000 new cases of HIV/AIDS could be prevented over the next five years in South Africa alone.

(5) The Technical Assistance, Trade Promotion, and Anti-Corruption Act of 2000, as approved by the Senate Foreign Relations Committee on March 23, 2000, ensures that not less than 8.3 percent of the United States Agency for International Development's (USAID) HIV/AIDS funding is used to combat mother-to-child transmission.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that of the funds provided in this Act, the USAID should place a high priority on efforts, including providing medications, to prevent mother-to-child transmission of HIV/AIDS.

REPORTING REQUIREMENT ON SUDAN

SEC. 597. One hundred and twenty days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees—

(1) describing—

(A) the areas of Sudan open to the delivery of humanitarian or other assistance through or from Operation Lifeline Sudan (in this section referred to as ''OLS''), both in the Northern and Southern sectors;

(B) the extent of actual deliveries of assistance through or from OLS to those areas from January 1997 through the present;

(C) areas of Sudan which cannot or do not receive assistance through or from OLS, and the specific reasons for lack or absence of coverage, including—

(i) denial of access by the government of Sudan on a periodic basis (''flight bans''), including specific times and duration of denials from January 1997 through the present;

(ii) denial of access by the government of Sudan on an historic basis (''no-go'' areas) since 1989 and the reason for such denials;

(iii) exclusion of areas from the original agreements which defined the limitations of OLS;

(iv) a determination by OLS of a lack of need in an area of no coverage;

(v) no request has been made to the government of Sudan for coverage or deliveries to those areas by OLS or any participating organization within OLS; or

(vi) any other reason for exclusion from or denial of coverage by OLS;

(D) areas of Sudan where the United States has provided assistance outside of OLS since January 1997, and the amount, extent and nature of that assistance;

(E) areas affected by the withdrawal of international relief organizations, or their sponsors, or both, due to the disagreement over terms of the ''Agreement for Coordination of Humanitarian, Relief and Rehabilitation Activities in the SPLM Administered Areas'' memorandum of 1999, including specific locations and programs affected; and

(2) containing a comprehensive assessment of the humanitarian needs in areas of Sudan not covered or served by OLS, including but not limited to the Nuba Mountains, Red Sea Hills, and Blue Nile regions.

PERU

SEC. 598. (a) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) The Organization of American States (OAS) Electoral Observer Mission, led by Eduardo Stein, deserves the recognition and gratitude of the United States for having performed an extraordinary service in promoting representative democracy in the Americas by working to ensure free and fair elections in Peru and by exposing efforts of the Government of Peru to manipulate the national elections in April and May of 2000 to benefit the president in power.

(2) The Government of Peru failed to establish the conditions for free and fair elections—both for the April 9 election as well as for the May 28 run-off—by not taking effective steps to correct the ''insufficiencies, irregularities, inconsistencies, and inequities'' documented by the OAS Electoral Observation Mission.

(3) The United States Government should support the work of the OAS high-level mission, and that such mission should base its specific recommendations on the views of civil society in Peru regarding commitments by their government to respect human rights, the rule of law, the independence and constitutional role of the judiciary and national congress, and freedom of expression and journalism.

(4) In accordance with Public Law 106–186, the United States must review and modify as appropriate its political, economic, and military relations with Peru and work with other democracies in this hemisphere and elsewhere toward a restoration of democracy in Peru.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report evaluating United States political, economic, and military relations with Peru, in accordance with Public Law 106–186. Such report should review, but not be limited to, the following:

(1) The effectiveness of providing United States assistance to Peru only through independent non-governmental organizations or international organizations.

(2) Scrutiny of all United States anti-narcotics assistance to Peru and the effectiveness of providing such assistance through legitimate civilian agencies and the appropriateness of providing this assistance to any military or intelligence units that are known to have violated human rights, suppressed freedom of expression or undermined free and fair elections.

(3) The need to increase support to Peru through independent non-governmental organizations and international organizations to promote the rule of law, separation of powers, political pluralism, and respect for human rights, and to evaluate termination of support for entities that have cooperated with the undemocratic maneuvers of the executive branch.

(4) The effectiveness of United States policy of supporting loans or other assistance for Peru through international financial institutions (such as the World Bank and Inter-American Development Bank), and an evaluation of terminating support to entities of the Government of Peru that have willfully violated human rights, suppressed freedom of expression, or undermined free and fair elections.

(5) The extent to which Peru benefits from the Andean Trade Preferences Act and the ramifications of conditioning participation in that program on respect for the rule of law and representative democracy.

(c) DETERMINATION.—Not later than 90 days after the date of the enactment of this Act, the President shall determine and report to the appropriate committees of Congress whether the Government of Peru has made substantial progress in improving its respect for human rights, the rule of law (including fair trials of civilians), the independence and constitutional role of the judiciary and national congress, and freedom of expression and independent journalism.

(d) PROHIBITION.—If the President determines and reports pursuant to subsection (c) that the Government of Peru has not made substantial progress, no funds appropriated by this Act may be made available for assistance for the Government of Peru, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Peru, except loans to support basic human needs.

(e) EXCEPTION.—The prohibition in subsection (d) shall not apply to humanitarian assistance, democracy assistance, anti-narcotics assistance, assistance to support binational peace activities involving Peru and Ecuador, assistance provided by the Overseas Private Investment Corporation, or assistance provided by the Trade and Development Agency.

(f) WAIVER.—The President may waive subsection (d) for periods not to exceed 90 days if he certifies to the appropriate committees of Congress that doing so is important to the national security interests of the United States and will promote the respect for human rights and the rule of law in Peru.

(g) DEFINITIONS.—For the purposes of this section, ''appropriate committees of Congress'' means the Committee on Appropriations and the Committee on Foreign Relations in the Senate and the Committee on Appropriations and Committee on International Relations in the House of Representatives. For the purposes of this section, ''humanitarian assistance'' includes but is not limited to assistance to support health and basic education.

SENSE OF SENATE REGARDING ZIMBABWE

SEC. 599. (a) FINDINGS.—The Senate finds that—

(1) people around the world supported the Republic of Zimbabwe's quest for independence, majority rule, and the protection of human rights and the rule of law;

(2) Zimbabwe, at the time of independence in 1980, showed bright prospects for democracy, economic development, and racial reconciliation;

(3) the people of Zimbabwe are now suffering the destabilizing effects of a serious, government-sanctioned breakdown in the rule of law, which is critical to economic development as well as domestic tranquility;

(4) a free and fair national referendum was held in Zimbabwe in February 2000 in which voters rejected proposed constitutional amendments to increase the president's authorities to expropriate land without payment;

(5) the President of Zimbabwe has defied two high court decisions declaring land seizures to be illegal;

(6) previous land reform efforts have been ineffective largely due to corrupt practices and inefficiencies within the Government of Zimbabwe;

(7) recent violence in Zimbabwe has resulted in several murders and brutal attacks on innocent individuals, including the murder of farm workers and owners;

(8) violence has been directed toward individuals of all races;

(9) the ruling party and its supporters have specifically directed violence at democratic reform activists seeking to prepare for upcoming parliamentary elections;

(10) the offices of a leading independent newspaper in Zimbabwe have been bombed;

(11) the Government of Zimbabwe has not yet publicly condemned the recent violence;

(12) President Mugabe's statement that thousands of law-abiding citizens are enemies of the state has further incited violence;

(13) 147 out of 150 members of the Parliament in Zimbabwe (98 percent) belong to the same political party;

(14) the unemployment rate in Zimbabwe now exceeds 60 percent and political turmoil is on the brink of destroying Zimbabwe's economy;

(15) the economy is being further damaged by the Government of Zimbabwe's ongoing involvement in the war in the Democratic Republic of the Congo;

(16) the United Nations Food and Agricultural Organization has issued a warning that Zimbabwe faces a food emergency due to shortages caused by violence against farmers and farm workers; and

(17) events in Zimbabwe could threaten stability and economic development in the entire region.

(18) the Goverment of Zimbabwe has rejected international election observation delegation accreditation for United States-based nongovernmental organizations, including the International Republican Institute and National Democratic Institute, and is also denying accreditation for other nongovernmental organizations and election observers of certain specified nationalities.

(b) SENSE OF THE SENATE.—The Senate—

(1) extends its support to the vast majority of citizens of the Republic of Zimbabwe who are committed to peace, economic prosperity, and an open, transparent parliamentary election process;

(2) strongly urges the Government of Zimbabwe to enforce the rule of law and fulfill its responsibility to protect the political and civil rights of all citizens;

(3) supports those international efforts to assist with land reform which are consistent with accepted principles of international law and which take place after the holding of free and fair parliamentary elections;

(4) condemns government-directed violence against farm workers, farmers, and opposition party members;

(5) encourages the local media, civil society, and all political parties to work together toward a campaign environment conducive to free, transparent and fair elections within the legally prescribed period;

(6) recommends international support for voter education, domestic and international election monitoring, and violence monitoring activities;

(7) urges the United States to continue to monitor violence and condemn brutality against law abiding citizens;

(8) congratulates all the democratic reform activists in Zimbabwe for their resolve to bring about political change peacefully, even in the face of violence and intimidation; and

(9) desires a lasting, warm, and mutually beneficial relationship between the United States and a democratic, peaceful Zimbabwe.

SENSE OF SENATE REGARDING ESTONIA, LATVIA, AND LITHUANIA

SEC. 599A. It is the sense of the Senate that nothing in this Act regarding the assistance provided to Estonia, Latvia, and Lithuania under the heading ''FOREIGN MILITARY FINANCING PROGRAM'' should be interpreted as expressing the sense of the Senate regarding an acceleration of the accession of Estonia, Latvia, or Lithuania to the North Atlantic Treaty Organization (NATO).

ELIMINATION OF DOWRY DEATHS AND HONOR KILLINGS

SEC. 599B. (a) IN GENERAL.—The Secretary of State should meet with representatives from countries that have a high incidence of the practice of dowry deaths or honor killings with a view toward working with the representatives to increase awareness of the practices, to develop strategies to end the practices, and to determine the scope of the problem within the refugee population.

(b) DEFINITIONS.—In this section:

(1) DOWRY DEATH.—The term ''dowry death'' means the killing of a woman because of a dowry dispute.

(2) HONOR KILLING.—The term ''honor killing'' means the murder of a woman suspected of dishonoring her family.

ELIMINATION OF FEMALE GENITAL MUTILATION

SEC. 599C. The Secretary of State shall conduct a study to determine the prevalence of the practice of female genital mutilation. The study shall include the existence and enforcement of laws prohibiting the practice. The Secretary shall submit the findings of the study and recommendations on how the United States can best work to eliminate the practice of female genital mutilation, to the appropriate congressional committees by June 1, 2001.

SUPPORT BY THE RUSSIAN FEDERATION FOR SERBIA

SEC. 599D. (a) FINDINGS.—Congress finds that—

(1) General Dragolub Ojdanic, Minister of Defense of the Federal Republic of Yugoslavia (Serbia and Montenegro) and an indicted war criminal, visited Moscow from May 7 through May 12, 2000, as a guest of the Government of the Russian Federation, attended the inauguration of President Vladimir Putin, and held talks with Russian Defense Minister Igor Sergeyev and Army Chief of Staff Anatoly Kvashnin;

(2) General Ojdanic was military Chief of Staff of the Federal Republic of Yugoslavia during the Kosova war and has been indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for crimes against humanity and violations of the laws and customs of war for alleged atrocities against Albanians in Kosova;

(3) international warrants have been issued by the International Criminal Tribunal for the Former Yugoslavia for General Ojdanic's arrest and extradition to The Hague;

(4) the Government of the Russian Federation, a permanent member of the United Nations Security Council which established the International Criminal Tribunal for the Former Yugoslavia, has an obligation to arrest General Ojdanic and extradite him to The Hague;

(5) on May 16, 2000, Russian Minister of Economics Andrei Shapovalyants announced that his government has provided the Serbian regime of Slobodan Milosevic $102,000,000 of a $150,000,000 loan it had reactivated and will sell the Government of Serbia $32,000,000 of oil despite the fact that the international community has imposed economic sanctions against the Government of the Federal Republic of Yugoslavia and the Government of Serbia;

(6) the Government of the Russian Federation is providing the Milosevic regime such assistance while it is seeking debt relief from the international community and loans from the International Monetary Fund, and while it is receiving corn and grain as food aid from the United States;

(7) the hospitality provided to General Ojdanic demonstrates that the Government of the Russian Federation rejects the indictments brought by the International Criminal Tribunal for the Former Yugoslavia against him and other officials, including Slobodan Milosevic, for alleged atrocities committed during the Kosova war; and

(8) the relationship between the Government of the Russian Federation and the Governments of the Federal Republic of Yugoslavia and Serbia only encourages the regime of Slobodan Milosevic to foment instability in the Balkans and thereby jeopardizes the safety and security of American military and civilian personnel and raises questions about Russia's commitment to its responsibilities as a member of the North American Treaty Organization-led peacekeeping mission in Kosova.

(b) ACTIONS.—

(1) Fifteen days after the date of enactment of this Act, the President shall submit a report to Congress detailing all loans, financial assistance, and energy sales the Government of the Russian Federation or entities acting on its behalf has provided since June 1999, and intends to provide to the Government of Serbia or the Government of the Federal Republic of Yugoslavia or any entities under the control of the Governments of Serbia or the Federal Republic of Yugoslavia.

(2) If that report determines that the Government of the Russian Federation or other entities acting on its behalf has provided or intends to provide the governments of Serbia or the Federal Republic of Yugoslavia or any entity under their control any loans or economic assistance and oil sales, then the following shall apply:

(A) The Secretary of State shall reduce assistance obligated to the Russian Federation by an amount equal in value to the loans, financial assistance, and energy sales the Government of the Russian Federation has provided and intends to provide to the Governments of Serbia and the Federal Republic of Yugoslavia.

(B)(i) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to oppose, and vote against, any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of the Russian Federation except for loans and assistance that serve basic human needs.

(ii) In this subparagraph, the term ''international financial institution'' includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(C) The United States shall suspend existing programs to the Russia Federation provided by the Export-Import Bank and the Overseas Private Investment Corporation and any consideration of any new loans, guarantees, and other forms of assistance by the Export-Import Bank or the Overseas Private Investment Corporation to Russia.

(D) The President may waive the actions described in subparagraphs (2)(A), (2)(B), and (2)(C) if he determines and reports to Congress that it is in the national interest of the United States of America.

(3) It is the sense of the Senate that the President of the United States should instruct his representatives to negotiations on Russia's international debt to oppose further forgiveness, restructuring, and rescheduling of that debt, including that being considered under the ''Comprehensive'' Paris Club negotiations.

REHABILITATION OF THE TRANSPORTATION INFRASTRUCTURE OF BULGARIA AND ROMANIA

SEC. 599E. Of the funds appropriated under the heading ''Support for East European Democracy'', rehabilitation and remediation of damage done to the Romanian and Bulgarian economies as a result of the Kosova conflict should be given priority especially to those projects that are associated with the Stability Pact for South Eastern Europe, done at Cologne June 10, 1999 (commonly known as the ''Balkan Stability Pact''), particularly those projects that encourage bilateral cooperation between Romania and Bulgaria, and that seek to offset the difficulties associated with the closure of the Danube River.

UNITED STATES-CUBAN MUTUAL ASSISTANCE IN THE INTERDICTION OF ILLICIT DRUGS

SEC. 599F. Of the amount appropriated under the heading ''Department of State, International Narcotics Control and Law Enforcement'', up to $1,000,000 shall be available to the Secretary of Defense, on behalf of the United States Coast Guard, the United States Customs Service, and other bodies, to work with the appropriate authorities of the Cuban Government to provide for greater cooperation, coordination, and other mutual assistance in the interdiction of illicit drugs being transported over Cuban airspace and waters: Provided, That such assistance may only be provided after the President determines and certifies to Congress that—

(1) Cuba has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with interdiction of illegal drugs; and

(2) that there is no evidence of the involvement of the Government of Cuba in drug trafficking.

EMERGENCY FUNDING TO ASSIST COMMUNITIES AFFECTED BY HURRICANE FLOYD, HURRICANE DENNIS, OR HURRICANE IRENE

SEC. 599G. (a) ECONOMIC DEVELOPMENT ASSISTANCE.—

(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2000, for an additional amount for ''Economic Development Assistance Programs'', $125,000,000, to remain available until expended, for planning assistance, public works grants, and revolving loan funds to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene.

(2) EMERGENCY DESIGNATION.—The $125,000,000—

(A) shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.); and

(B) is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

(b) COMMUNITY FACILITIES GRANTS.—

(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2000, for an additional amount for the rural community advancement program under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), $125,000,000, to remain available until expended, to provide grants under the community facilities grant program under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)) with respect to areas subject to a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene.

(2) EMERGENCY DESIGNATION.—The $125,000,000 is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SENSE OF THE CONGRESS REGARDING ADDITIONAL ASSISTANCE FOR MOZAMBIQUE AND SOUTHERN AFRICA

SEC. 599H. (a) FINDINGS.—The Congress finds that:

(1) In February and March of 2000, cyclones Gloria, Eline, and Hudah caused extensive flooding in Southern Africa, severely affecting the Republic of Mozambique.

(2) The floods claimed at least 640 lives and left nearly 500,000 people displaced or trapped in flood-isolated areas.

(3) The floods contaminated water supplies, destroyed hundreds of miles of roads, and washed away homes, schools, and health clinics.

(4) This heavy flooding and the displacement it caused created conditions in which infectious disease has flourished.

(5) The Southern African floods of 2000 washed previously identified and marked landmines to new, unmarked locations.

(6) Prior to the flooding, Mozambique had been making progress toward climbing out of poverty, enjoying economic growth rates of 10 percent per year.

(7) The World Bank estimates that the costs of reconstruction in Mozambique alone will be $430,000,000, with an additional $215,000,000 in economic costs.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that an additional $168,000,000 should be made available for disaster assistance in Mozambique and Southern Africa.

SENSE OF SENATE ON DEBT RELIEF FOR WORLD'S POOREST COUNTRIES

SEC. 599I. It is the sense of the Senate that—

(1) the relevant committees of the Senate should report to the full Senate legislation authorizing comprehensive debt relief aimed at assisting citizens of the poor countries under the enhanced Heavily Indebted Poor Countries Initiative;

(2) these authorizations of bilateral and multilateral debt relief should be designed to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth in beneficiary countries;

(3) these authorizations should also support the adoption of policies to alleviate poverty and to ensure that benefits are shared widely among the population, such as through initiatives to advance education, improve health, combat AIDS, and promote clean water and environmental protection;

(4) these authorizations should promote debt relief agreements that are designed and implemented in a transparent manner so as to ensure productive allocation of future resources and prevention of waste;

(5) these authorizations should promote debt relief agreements that have the broad participation of the citizenry of the debtor country and should ensure that country's circumstances are adequately taken into account;

(6) these authorizations should ensure that no country should receive the benefits of debt relief if that country does not cooperate with the United States on terrorism or narcotics enforcement, is a gross violator of the human rights of its citizens, or is engaged in military or civil conflict that undermines poverty alleviation efforts or spends excessively on its military; and

(7) if the conditions set forth in paragraphs (1) through (6) are met in the authorization legislation approved by Congress, Congress should fully fund bilateral and multilateral debt relief.

RUSSIAN MISSILE SALES TO CHINA

SEC. 599J. It is the sense of the Senate that the Secretary of the Treasury should direct the executive directors to all international financial institutions to use the voice and vote of the United States to oppose loans, credits, or guarantees to the Russian Federation, except for basic human needs, if the Russian Federation

delivers any additional SS–N–22 missiles or components to the People's Republic of China.

INTERNATIONAL HEALTH EMERGENCIES

SEC. 599K. In addition to amounts otherwise appropriated in this Act, $40,000,000 shall be available for necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health and related activities: Provided, That of the funds appropriated under this section, not less than $30,000,000 shall be made available for programs to combat HIV/AIDS: Provided further, That of the funds appropriated under this section, not less than $10,000,000 shall be made available for the prevention, treatment, and control of tuberculosis: Provided further, That amounts made available under this section are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amounts shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

TITLE VI—PLAN COLOMBIA

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

CHAPTER 1

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEPARTMENT OF STATE

ASSISTANCE FOR COUNTERNARCOTICS ACTIVITIES

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support Central and South America and Caribbean counternarcotics activities, $934,100,000, to remain available until expended: Provided, That of the funds appropriated under this heading, not less than $120,000,000 shall be made available for assistance for Bolivia, of which not less than $100,000,000 shall be made available for alternative development and other economic activities: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for assistance for Ecuador, of which not less than $12,000,000 shall be made available for alternative development and other economic activities: Provided further, That of the funds appropriated under this heading, up to $42,000,000 shall be made available for assistance for Peru: Provided further, That of the funds appropriated under this heading, not less than $18,000,000 shall be made available for assistance for other countries in South and Central America and the Caribbean which are cooperating with United States counternarcotics objectives: Provided further, That of the funds appropriated under this heading not less than $110,000,000 shall be made available for the procurement, refurbishing, and support for UH–1H Huey II helicopters: Provided further, That of the amount appropriated under this heading, $5,000,000 shall be available to the Secretary of State for transfer to the Department of Labor for the administration of the demobilization and rehabilitation of child soldiers in Colombia, of which amount $2,500,000 shall be transferred not later than 30 days after the date of enactment of this Act, and the remaining $2,500,000 shall be transferred not later than October 30, 2000: Provided further, That funds made available under this heading shall be in addition to amounts otherwise available for such purposes: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the U.S. Agency for International Development, shall provide to the Committees on Appropriations not later than 30 days after the date of enactment of this Act and prior to the initial obligation of any funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project or activity: Provided further, That funds appropriated under this heading shall be subject to notification: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 6101. CONDITIONS ON ASSISTANCE FOR COLOMBIA. (a) CONDITIONS.—

(1) CERTIFICATION REQUIRED.—Assistance provided under this heading may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees prior to the initial obligation of such assistance in each such fiscal year, that—

(A)(i) the President of Colombia has directed in writing that Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights will be brought to justice in Colombia's civilian courts, in accordance with the 1997 ruling of Colombia's Constitutional court regarding civilian court jurisdiction in human rights cases; and

(ii) the Commander General of the Colombian Armed Forces is promptly suspending from duty any Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups; and

(iii) the Colombian Armed Forces and its Commander General are fully complying with (A)(i) and (ii); and

(B) the Colombian Armed Forces are cooperating fully with civilian authorities in investigating, prosecuting, and punishing in the civilian courts Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights; and

(C) the Government of Colombia is vigorously prosecuting in the civilian courts the leaders and members of paramilitary groups and Colombian Armed Forces personnel who are aiding or abetting these groups.

(2) CONSULTATIVE PROCESS.—The Secretary of State shall consult with internationally recognized human rights organizations regarding the Government of Colombia's progress in meeting the conditions contained in paragraph (1), prior to issuing the certification required under paragraph (1).

(3) APPLICATION OF EXISTING LAWS.—The same restrictions contained in section 564 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (Public Law 106–113) and section 8098 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79) shall apply to the availability of funds under this heading.

(b) REPORT.—Beginning 60 days after the date of enactment of this Act, and every 180 days thereafter for the duration of the provision of resources administered under this Act, the Secretary of State shall submit a report to the appropriate congressional committees containing the following:

(1) A description of the extent to which the Colombian Armed Forces have suspended from duty Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights, and the extent to which such personnel have been brought to justice in Colombia's civilian courts, including a description of the charges brought and the disposition of such cases.

(2) An assessment of efforts made by the Colombian Armed Forces, National Police, and Attorney General to disband paramilitary groups, including the names of Colombian Armed Forces personnel brought to justice for aiding or abetting paramilitary groups and the names of paramilitary leaders and members who were indicted, arrested and prosecuted.

(3) A description of the extent to which the Colombian Armed Forces cooperate with civilian authorities in investigating and prosecuting gross violations of human rights allegedly committed by its personnel, including the number of such personnel being investigated for gross violations of human rights who are suspended from duty.

(4) A description of the extent to which attacks against human rights defenders, government prosecutors and investigators, and officials of the civilian judicial system in Colombia, are being investigated and the alleged perpetrators brought to justice.

(5) An estimate of the number of Colombian civilians displaced as a result of the ''push into southern Colombia'', and actions taken to address the social and economic needs of these people.

(6) A description of actions taken by the United States and the Government of Colombia to promote and support a negotiated settlement of the conflict in Colombia

(c) DEFINITIONS.—In this section:

(1) AIDING OR ABETTING.—The term ''aiding or abetting'' means direct and indirect support to paramilitary groups, including conspiracy to allow, facilitate, or promote the activities of paramilitary groups.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(3) PARAMILITARY GROUPS.—The term ''paramilitary groups'' means illegal self-defense groups and security cooperatives.

(4) ASSISTANCE.—The term ''assistance'' means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:

(A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; relating to counter-drug assistance).

(B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; relating to counter-drug assistance to Colombia and Peru).

(C) Section 23 of the Arms Export Control Act (Public Law 90–629); relating to credit sales.

(D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87–195; relating to international narcotics control).

(E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87–195; relating to emergency drawdown authority).

SEC. 6102. REGIONAL STRATEGY. (a) REPORT REQUIRED.—Not later than 60 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, the Committee on International Relations and the Committee on Appropriations of the House of Representatives, a report on the current United States policy and strategy regarding United States counternarcotics assistance for Colombia and neighboring countries.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall address the following:

(1) The key objectives of the United States' counternarcotics strategy in Colombia and neighboring countries and a detailed description of benchmarks by which to measure progress toward those objectives.

(2) The actions required of the United States to support and achieve these objectives, and a

schedule and cost estimates for implementing such actions.

(3) The role of the United States in the efforts of the Government of Colombia to deal with illegal drug production in Colombia.

(4) The role of the United States in the efforts of the Government of Colombia to deal with the insurgency and paramilitary forces in Colombia.

(5) How the strategy with respect to Colombia relates to and affects the United States' strategy in the neighboring countries.

(6) How the strategy with respect to Colombia relates to and affects the United States' strategy for fulfilling global counternarcotics goals.

(7) A strategy and schedule for providing material, technical, and logistical support to Colombia and neighboring countries in order to defend the rule of law and to more effectively impede the cultivation, production, transit, and sale of illicit narcotics.

(8) A schedule for making Forward Operating Locations (FOL) fully operational, including cost estimates and a description of the potential capabilities for each proposed location and an explanation of how the FOL architecture fits into the overall the Strategy.

SEC. 6103. SENSE OF THE CONGRESS ON COUNTER NARCOTICS MEASURES. It is the sense of Congress that—

(1) the Government of Colombia should commit itself immediately to the urgent development and application of naturally occurring and ecologically sound methods for eradicating illicit crops, which could reduce significantly the loss of life in Colombia and the United States;

(2) the effectiveness of United States counter narcotics assistance to Colombia depends on the ability of law enforcement officials of that country having unimpeded access to all areas of the national territory of Colombia for the purposes of carrying out the interdiction of illegal narcotics and the eradication of illicit crops; and

(3) the governments of countries receiving support under this title should take effective steps to prevent the creation of a safe haven for narcotics traffickers by ensuring that narcotics traffickers indicted in the United States are promptly arrested, prosecuted, and sentenced to the maximum extent of the law and, upon the request of the United States Government, extradited to the United States for trial for their egregious offenses against the security and well-being of the people of the United States.

SEC. 6104. REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS. (a) Not later than six months after the date of the enactment of this title, and every six months thereafter, during the period Plan Colombia resources are made available, the Secretary of State shall submit to the Committee on Foreign Relations, the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives a report setting forth—

(1) a list of the persons whose extradition has been requested from any country receiving counter narcotics assistance from the United States, indicating those persons who—

(A) have been surrendered to the custody of United States authorities;

(B) have been detained by the authorities and who are being processed for extradition;

(C) have been detained by the authorities and who are not yet being processed for extradition; or

(D) are at large;

(2) a determination whether authorities of each country receiving counternarcotics assistance from the United States are making good faith efforts to ensure the prompt extradition of each of the persons sought by United States authorities; and

(3) an analysis of—

(A) any legal obstacles in the laws of each country receiving counternarcotics assistance from the United States regarding prompt extradition of persons sought by United States authorities; and

(B) the steps taken by authorities of the United States and the authorities of each country receiving counternarcotics assistance from the United States to overcome such obstacles.

SEC. 6105. HERBICIDE SAFETY. None of the funds appropriated under this title may be used to support the use of any herbicide, unless the Director of the National Center for Environmental Health at the Centers for Disease Control and Prevention determines and reports to the appropriate congressional committees that such herbicide is safe and nontoxic to human health, and the Administrator of the Environmental Protection Agency determines and reports to the appropriate congressional committees that such herbicide does not contaminate ground or surface water.

SEC. 6106. LIMITATIONS ON SUPPORT FOR PLAN COLOMBIA AND ON THE ASSIGNMENT OF UNITED STATES PERSONNEL IN COLOMBIA. (a) LIMITATION ON SUPPORT FOR PLAN COLOMBIA.—

(1) LIMITATION.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by any Act shall be available for support of Plan Colombia unless and until—

(A) the President submits a report to Congress requesting the availability of such funds; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(2) EXCEPTIONS.—The limitation in paragraph (1) does not apply to—

(A) appropriations made by this Act, the Military Construction Appropriations Act, 2001, or the Department of Defense Appropriations Act, 2001, for the purpose of support of Plan Colombia; or

(B) the unobligated balances from any other program used for their originally appropriated purpose to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic development, and institute justice reform in the countries covered by Plan Colombia.

(b) LIMITATION ON ASSIGNMENT OF UNITED STATES PERSONNEL IN COLOMBIA.—

(1) LIMITATION.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by this or any other Act (including unobligated balances of prior appropriations) may be available for—

(A) the assignment of any United States military personnel for temporary or permanent duty in Colombia in connection with support of Plan Colombia if that assignment would cause the number of United States military personnel so assigned in Colombia to exceed 500; or

(B) the employment of any United States individual civilian retained as a contractor in Colombia if that employment would cause the total number of United States individual civilian contractors employed in Colombia in support of Plan Colombia who are funded by Federal funds to exceed 300.

(2) EXCEPTION.—The limitation contained in paragraph (1) shall not apply if—

(A) the President submits a report to Congress requesting that the limitation not apply; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(c) WAIVER.—The President may waive the limitation in subsection (b)(1) for a single period of up to 90 days in the event that the Armed Forces of the United States are involved in hostilities or that imminent involvement by the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the President to carry out any emergency evacuation of United States citizens or any search or rescue operation for United States military personnel or other United States citizens.

(e) REPORT ON SUPPORT FOR PLAN COLOMBIA.—Not later than June 1, 2001, and not later than June 1 and December 1 of each of the succeeding four fiscal years, the President shall submit a report to Congress setting forth any costs (including incremental costs incurred by the Department of Defense) incurred by any department, agency, or other entity of the Executive branch of Government during the two previous fiscal quarters in support of Plan Colombia. Each such report shall provide an itemization of expenditures by each such department, agency, or entity.

(f) BIMONTHLY REPORTS.—Beginning within 90 days of the date of enactment of this joint resolution, and every 60 days thereafter, the President shall submit a report to Congress that shall include the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent United States military personnel and United States individual civilians retained as contractors involved in the antinarcotics campaign in Colombia.

(g) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) JOINT RESOLUTIONS DEFINED.—

(A) For purposes of subsection (a)(1)(B), the term ''joint resolution'' means only a joint resolution introduced not later than 10 days of the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: ''That Congress approves the request of the President for additional funds for Plan Colombia contained in the report submitted by the President under section 6106(a)(1) of the 2000 Emergency Supplemental Appropriations Act.''.

(B) For purposes of subsection (b)(2)(B), the term ''joint resolution'' means only a joint resolution introduced not later than 10 days of the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: ''That Congress approves the request of the President for exemption from the limitation applicable to the assignment of personnel in Colombia contained in the report submitted by the President under section 6106(b)(2)(B) of the 2000 Emergency Supplemental Appropriations Act.''.

(2) PROCEDURES.—Except as provided in subparagraph (B), a joint resolution described in paragraph (1)(A) or (1)(B) shall be considered in a House of Congress in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98–473; 98 Stat. 1936).

(h) PLAN COLOMBIA DEFINED.—In this section, the term ''Plan Colombia'' means the plan of the Government of Colombia instituted by the administration of President Pastrana to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic development, and institute justice reform.

(i) NATIONAL SECURITY EXEMPTION.—The limitation contained in subsection (b)(1) shall not apply with respect to any activity subject to reporting under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

SEC. 6107. DECLARATION OF SUPPORT. (a) CERTIFICATION REQUIRED.—Assistance may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees, before the initial obligation of such assistance in each such fiscal year, that the United States Government publicly supports the military and political efforts of the Government of Colombia, consistent with human rights conditions in section 6101, necessary to effectively resolve the conflicts with the guerrillas and paramilitaries that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the following:

(A) The Committees on Appropriations and Foreign Relations of the Senate.

(B) The Committees on Appropriations and International Relations of the House of Representatives.

(2) ASSISTANCE.—The term ''assistance'' means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:

(A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; relating to counter-drug assistance).

(B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; relating to counter-drug assistance to Colombia and Peru).

(C) Section 23 of the Arms Export Control Act (Public Law 90–629; relating to credit sales).

(D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87–195; relating to international narcotics control).

(E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87–195; relating to emergency drawdown authority).

SEC. 6108. SENSE OF THE SENATE ON UNITED STATES CITIZENS HELD HOSTAGE IN COLOMBIA. (a) The Senate finds that—

(1) illegal paramilitary groups in Colombia pose a serious obstacle to United States and Colombian counter-narcotics efforts;

(2) abduction of innocent civilians is often used by such groups to gain influence and recognition;

(3) three United States citizens, David Mankins, Mark Rich, and Rick Tenenoff, who were engaged in humanitarian and religious work were abducted by one such group and have been held hostage in Colombia since January 31, 1993;

(4) these 3 men have the distinction of being the longest-held American hostages;

(5) their kidnapers are believed to be members of the Fuerzas Armadas Revolucionarias de Colombia (FARC) narco-guerrilla organization in Colombia;

(6) the families of these American citizens have not had any word about their safety or welfare for 7 years; and

(7) such acts against humanitarian workers are acts of cowardice and are against basic human dignity and are perpetrated by criminals and thus not deserving any form of recognition.

(b) The Senate—

(1) in the strongest possible terms condemns the kidnaping of these men;

(2) appeals to all freedom loving nations to condemn these actions;

(3) urges members of the European Community to assist in the safe return of these men by including in any dialogue with FARC the objective of the release of all American hostages;

(4) appeals to the United Nations Commission on Human Rights to condemn the kidnaping and to pressure the FARC into resolving this situation; and

(5) calls upon the President to raise the kidnaping of these Americans to all relevant foreign governments and to express his desire to see this tragic situation resolved.

SEC. 6109. SUPPORT FOR THE DEFENSE CLASSIFIED ACTIVITIES. In addition to amounts provided elsewhere in this Act, $8,500,000 is hereby appropriated to the Department of Defense under the heading, ''Military Construction, Defense-Wide'' for classified activities related to, and for the conduct of a utility and feasibility study referenced under the heading of ''Management of MASINT'' in Senate Report 106–279 to accompany S. 2507, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request for $8,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $35,000,000 for Mozambique and Southern Africa, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, is transmitted by the President to the Congress.

INTERNATIONAL ASSISTANCE PROGRAMS

INTERNATIONAL SECURITY ASSISTANCE

FOREIGN MILITARY FINANCING PROGRAM

The value of articles and services authorized for Southern Africa as of March 2, 2000, to be drawn down by the President under the authority of section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, shall not be counted against the ceiling limitation of that section.

Under the authority of section 506(d) of the Foreign Assistance Act of 1961, as amended, up to $37,600,000 is appropriated to the Department of Defense as reimbursement for drawdowns for southern Africa pursuant to section 506(a)(2) of such Act authorized as of March 2, 2000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses,'' $17,850,000 to be made available until expended.

METHAMPHETAMINE PRODUCTION AND TRAFFICKING

For initiatives to combat methamphetamine production and trafficking, $40,000,000 to be made available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(RESCISSION)

Of the unobligated balances available under this heading for the State Criminal Alien Assistance Program, $7,850,000 are rescinded.

This Act may be cited as the ''Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001''.

Mr. LOTT. Mr. President, I further ask unanimous consent the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

I finally ask unanimous consent that S. 2522 be indefinitely postponed

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

The Presiding Officer (Mr. SMITH of Oregon) appointed Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. CAMPBELL, Mr. BOND, Mr. STEVENS, Mr. LEAHY, Mr. INOUYE, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mr. BYRD conferees on the part of the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 8 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PRESCRIPTION DRUGS

Mr. DORGAN. Mr. President, while some Members of the Senate are conversing about the schedule, I want to take a moment and comment today on a couple of items that have appeared in today's newspapers related to a very important matter that we will be addressing soon. The first item appeared in the Wall Street Journal:

> ''Drug benefit costs for large employers are expected to jump 22.5 percent for employees and 23.4 percent for retirees over the next year,'' according to a survey of 61 companies.

Drug costs are expected to jump 22.5 percent in a single year for employees and employers.

The second item is a full-page ad that appeared in the Washington Post today. This ad is sponsored by the Pharmaceutical Research and Manufacturers of America. It says:

> One of these pills is a counterfeit. Can you guess which one?

And then it says:

> Congress is about to permit the wholesale importation of drugs from Mexico and Canada. The personal health of American consumers is unquestionably at risk. Counterfeit prescription drugs will inevitably make their way across our borders and into our medicine cabinets. Counterfeit prescription drugs can kill. Counterfeit drugs have killed.

This is from the big pharmaceutical manufacturers. What they are alleging is that it would be unsafe to allow those in this country who want to go to Canada to access a supply of prescription drugs from a drugstore in Winnipeg that was originally made in the United States, in a plant inspected by

the Food and Drug Administration, and then put in a bottle and sent to a pharmacy in Canada.

It would not be unsafe. It would be cheaper, but not unsafe. Here is the issue. This is a global economy, we are told, and the pharmaceutical industry certainly benefits from that global economy. They buy their chemicals all around the world to get the best prices, and they should. They use these chemicals to produce wonderful, life-saving medicines. Then they ship that medicine all around the world. They ship it to Pembina, ND, and to Emerson, Manitoba in Canada. Those two communities are about 5 miles apart. For the same medicine, produced in the same manufacturing plant by the same company, in the same dosage strength, put in the same bottle, the manufacturers will charge the U.S. consumer triple, double, or quadruple the price charged the Canadian consumer.

The question is this: Why should an American citizen have to go to Canada to buy a drug that was produced in the United States in order to find that they will save 50 to 70 percent on the price of that same drug? The answer is that they should not have to go to Canada to do that. There ought to be fairer pricing of prescription drugs in this country.

There is a little sweetheart law on the books in this country that needs to be amended. This law says that the only entity that can re-import prescription drugs into the United States is its manufacturer. So when a pharmaceutical manufacturer makes a drug in the United States and ships it to Canada for sale at a fraction of the price—and that is because Canada won't allow them to sell it at the price at which they sell it in the United States—they are able to say to pharmacists and drug wholesalers in the United States that they can't go to Canada and buy it and bring it back and pass the savings along to their customers. Even though it is the same drug, made in a plant in the United States, and the plant is approved by the FDA, they can't bring it back from Canada. Why? Because a law in this country prevents that. Talk about a sweetheart deal.

Some of us want to amend that law. Some Republicans and Democrats have come together on legislation to allow pharmacists and drug wholesalers to import FDA-approved medicines. So in response, the pharmaceutical industry spent a fortune putting full-page ads in newspapers today, saying this is about ''counterfeit medicine'' that will kill people. What a sack of lies. There is no counterfeit medicine problem here. We are talking about the importation of prescription drugs in this country only in instances where the chain of custody has been assured and guaranteed.

This is the most profitable industry in the world, and I understand that it wants to protect its profits. I think the drug companies do a lot of wonderful things. But I don't think it is wonderful when they tell senior citizens in this country—all citizens, for that matter, but especially senior citizens—we have a life-saving drug, but you will pay double the price of what we charge anywhere else in the world. That is not fair. But it happens all the time.

What we ought to do is decide that if this is a global economy, it is a global economy for senior citizens and for pharmacists, as long as we assure the chain of custody and resolve the issue of safety.

A pharmacist in Grand Forks, ND, cannot go to Winnipeg, Canada, to buy the same pill, in the same bottle, made in the same manufacturing plant, and bring it back and pass the savings along to senior citizens. Senior citizens are 12 percent of our population, yet they use one-third of all the prescription drugs in this country. They have reached their retirement years, the years in which their incomes are limited, and they discover that they must pay the highest prices for prescription drugs of any group of consumers in the world. That is not fair.

Miracle drugs only perform miracles if you can afford to take them. Life-saving drugs only save lives if you can afford to access those drugs. I have had hearings all across this country, and I have heard identical testimony in every State. Senior citizens tell me: When I go to the grocery store, I must first go to the pharmacy at the back of the store to buy my prescription drugs because only then will I know how much money I have left to pay for food. Only then will I know how much money I have left with which to eat.

That is happening all across this country. The folks in the pharmaceutical industry want to continue to charge U.S. consumers double, triple, or quadruple the prices they impose upon citizens of other countries. That is not fair. We ought to change it.

In the appropriations bill when it was considered by the House, the House enacted two amendments to essentially prevent the FDA from enforcing the current law.

In the Senate, there will be an amendment offered by one of my Republican colleagues, myself, and others. The Senate amendment would also allow pharmacists and drug wholesalers to import prescription drugs that were produced in the United States, in plants that are approved by the FDA, but it includes provisions to ensure this is done in a safe manner. We hope enough Members of the Senate will agree so that we will be able to get this done in the coming days.

I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to H.R. 4461, the Agriculture appropriations bill. I further ask unanimous consent that all after the enacting clause of H.R. 4461 be stricken and the text of S. 2536 with a modified division B be inserted in lieu thereof, and that the new text be treated as original text for the purpose of further amendment, and that no point of order be waived.

Mr. REID. Mr. President, reserving the right to object, I express my appreciation to Senator WELLSTONE for being so reasonable on this issue. As usual, he spotted the issue. It has been explained to him. We are now moving forward on this legislation.

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

Mr. LOTT. Mr. President, I know the manager, Senator COCHRAN, is ready to proceed. We hope to go forward with opening statements and any amendments that can be considered tonight. I will consult with Senator COCHRAN and the managers about how to proceed throughout the remainder of the night. But we will turn back to this legislation in the morning not later than 9:30. We will have stacked votes, if any are ready by then, at 2:15 or 2:30 p.m. tomorrow. We will indicate a specific time later.

I thank the Senator from Mississippi, Senator COCHRAN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I am very pleased to present for the Senate's consideration the fiscal year 2001 Agriculture, Rural Development, Food and Drug Administration, and related agencies appropriations bill. This bill provides fiscal year 2001 funding for the programs and activities of the Department of Agriculture, the Food and Drug Administration, and the Commodity Futures Trading Commission. The U.S. Forest Service is funded by the Interior appropriations bill.

This bill, as reported, also provides fiscal year 2000 supplemental appropriations and rescissions to respond to emergency needs resulting from natural disasters and other unanticipated funding requirements.

The fiscal year 2001 provisions are contained in Division A of the reported bill. It provides total new budget authority for fiscal year 2001 of $75.3 billion. This is $295 million less than the fiscal year 2000 enacted level, excluding emergency appropriations, and $1.5 billion less than the President's budget request.

Just over eighty percent of the total recommended by this bill is for mandatory appropriations over which the Appropriations Committee has no effective control. The spending levels for these programs are governed by authorizing statutes. The mandatory programs funded by this bill include the

Commodity Credit Corporation, the Federal Crop Insurance Corporation, and the Food Stamp and Child Nutrition Programs.

About twenty percent of the total appropriations recommended by this bill is for discretionary programs and activities. Including Congressional budget scorekeeping adjustments and prior-year spending actions, this bill recommends total discretionary spending of $14.850 billion in budget authority and $14.925 billion in outlays for fiscal year 2001. These amounts are consistent with the Subcommittee's discretionary spending allocations.

I would like to take a few moments to summarize the bill's major funding recommendations. For the Food Safety and Inspection Service, appropriations of $678 million are recommended, $29 million more than the fiscal year 2000 level. For the Animal and Plant Health Inspection Service, $468 million is recommended, $25 million more than the 2000 level.

Appropriations for USDA headquarters operations and for other agriculture marketing and regulatory programs are approximately $84 million more than the fiscal year 2000 appropriations levels. Included in this increase is $25 million to support information technology investments in support of the Department's Service Center Modernization initiative; $42.4 million to support the Department of Agriculture's buildings and facilities and rental payment requirements; $5.9 million, as requested, for costs associated with implementing the Mandatory Livestock Reporting Act; and $6.2 million for the Agricultural Marketing Service to implement a microbiological data program.

For farm credit programs, the bill funds an estimated $3.1 billion total loan program level, the same as the fiscal year 2000 level, excluding additional loans funded through fiscal year 2000 emergency appropriations. The amount recommended includes $559.4 million for farm ownership loans and $2.4 billion for farm operating loans.

For salaries and expenses of the Farm Service Agency, total appropriations of $1.095 billion are recommended. This is $89 million more than the 2000 level and the same as the President's budget request.

The bill provides total appropriations of $1.4 billion for agriculture research, education, and extension activities. Included in this amount is an increase of $3.8 million from fiscal year 2000 for Agricultural Research Service (ARS) buildings and facilities, an increase of $41.2 million for research activities of the ARS; and a $19.2 million increase in funding for the Cooperative State Research, Education, and Extension Service.

For conservation programs administered by USDA's Natural Resources Conservation Service, total funding of $867.6 million is provided, $63 million more than the 2000 level. This includes $714 million for conservation operations, $11 million for watershed surveys and planning, $99 million for watershed and flood prevention operations, $36 million for the resource conservation and development program, and $6 million for the forestry incentives program.

USDA's Foreign Agricultural Service is funded at a program level of $117.7 million, $4 million more than the fiscal year 2000 level. In addition, a total program level of $996.7 million is recommended for the Public Law 480 program, the same as the fiscal year 2001 budget request and $51.4 million more than the fiscal year 2000 level. This includes $159.7 million for Title I and $837 million for Title II of the program.

The bill also provides a total program level of $2.5 billion for rural economic and community development programs. Included in this amount is $749 million for the Rural Community Advancement Program, $33 million for the Rural Business-Cooperative Service, and $75 million to support a total $2.6 billion program level for rural electric and telecommunications loans.

In addition, the bill devotes additional resources to those programs which provide affordable, safe, and decent housing for low-income individuals and families living in rural America. Estimated rural housing loan authorizations funded by this bill total $4.6 billion. Included in this amount is $4.3 billion in section 502 low-income housing direct and guaranteed loans and $114 million in section 515 rental housing loans. In addition, $680 million is included for the rental assistance program. This is the same as the budget request and $40 million more than the 2000 appropriations level.

Appropriations totaling $35 billion for USDA's nutrition assistance programs continue to command the highest percentage of the total appropriations recommended by the bill—nearly 47 percent of the total new budget authority provided. This includes $9.5 billion for child nutrition programs, including $6 million to complete funding for the school breakfast pilot program; $4.05 billion for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); $140 million for the commodity assistance program; $140 million for the elderly feeding program; and $21.2 billion for the food stamp program.

For those independent agencies funded by the bill, the Committee provides total appropriations of $1.2 billion, $54 million more than the 2000 level. Included in this amount is $67 million for the Commodity Futures Trading Commission, and $1.1 billion for the Food and Drug Administration (FDA). The bill also establishes a limitation of $36.8 million on administrative expenses of the Farm Credit Administration.

Total appropriations recommended for salaries and expenses of the FDA are $33.7 million more than the 2000 appropriations level. This additional amount, along with $34 million redirected from FDA's tobacco program in light of the recent Supreme Court decision, provides a total increase of $67.7 million for fiscal year 2001. Included in this amount is the full increase requested in the budget for FDA rental payments to the General Services Administration; an additional $24 million for FDA food safety initiatives; and $25 million for premarket review activities. The additional funding for premarket review will continue to strengthen FDA's ability to perform its core statutory mission of reviewing drugs, foods, medical devices and products within statutory time frames and to ensure patients' speedy access to new products and the latest technology.

The bill also makes available $149 million in Prescription Drug User Fee Act collections, $4 million more than the fiscal year 2000 level.

The discretionary budget authority allocation for this bill is approximately $200 million more than the CBO baseline level, or a ''freeze'' at the 2000 enacted appropriations level. To provide the increases the Committee felt were necessary to maintain funding for essential farm, housing, and rural development programs, several mandatory funding restrictions are included in the bill. Modest limitations on the Environmental Quality Incentives and Conservation Farm Option programs are maintained at the fiscal year 2000 levels. Funding for the Initiative for Future Agriculture and Food Systems and the Fund for Rural America is deferred until fiscal year 2002, as proposed in the President's budget.

Although the total discretionary spending recommended by this bill is approximately $277 million in budget authority below the President's budget request level, as reestimated by the Congressional Budget Office, the President's proposed budget relies on additional revenues and savings to accommodate much higher levels of discretionary spending. The President's budget proposes to generate a net total of $564 million in collections from new user fee proposals, and to redirect funds from ongoing projects and Congressional initiatives to pay for Presidential initiatives.

This Committee does not have the luxury of relying on revenues and savings from legislative proposals that have not been acted on by the Congress and signed into law. Consequently, within the discretionary spending limitations established for this bill, we have not been able to afford many of the discretionary spending increases and new initiatives proposed by the Administration, and still remain consistent with the Budget Act.

Food safety continues to be a high priority of this Committee. This bill, as recommended to the Senate, provides the funds necessary to ensure that American consumers continue to have the safest food supply in the world. Not only does this bill provide increased funds required for meat and

poultry inspection activities of the Food Safety and Inspection Service, it provides total funding of $377 million, a $53 million increase from the 2000 level, for USDA and FDA programs and activities included in the President's Food Safety Initiative.

Turning to ''Division B'', the reported bill recommended a net total of $2.2 billion for emergency and regular supplemental appropriations and rescissions for the fiscal year 2000.

A number of these provisions have been enacted into law as part of the conference report on the fiscal year 2001 Military Construction Appropriations Act. The substitute amendment deletes those provisions and makes other accompanying technical and conforming changes to Division B of the reported bill.

The Chairmen of the various Appropriations Subcommittees may speak to those provisions in Division B of the reported bill under their respective jurisdictions.

However, for programs and activities within the jurisdiction of the Agriculture Subcommittee, Division B, as modified, recommends $1.1 billion in emergency supplemental appropriations for fiscal year 2000.

Supplemental appropriations for emergency housing and relief to farmers as a result of the North Carolina hurricane and other natural disasters; for the Farm Service Agency to meet high workload demands; and to offset the assessment on peanut producers for program losses have now been enacted into law.

The remaining emergency supplemental appropriations recommended in the bill reported to the Senate still must be addressed.

These include the $13 million requested by the President to cover a shortfall in available funding for crop insurance premium discounts; $35 million to support ongoing acreage enrollments in the Conservation Reserve and Wetlands Reserve programs; and an additional $130 million for the Rural Community Advancement Program.

Just as devastating to producers as losses from hurricanes, drought and other natural disasters are losses from new and emergent diseases and pest infestations. The bill provides authority for the Secretary of Agriculture to compensate growers for losses as a result of the plum pox virus which has devastated the stone fruit industry; citrus canker; Mexican fruit fly; grasshoppers and Mormon crickets; and Pierce's disease, a new problem plaguing the grape industry.

In addition, emergency assistance totaling an estimated $443 million is recommended for dairy producers and $450 million for livestock producers.

Mr. President, this appropriations bill was reported by the Committee on May 10th. It was one of the first of the thirteen fiscal year 2001 appropriations bills to be reported to the Senate by the Appropriations Committee.

Although the companion bill was reported from the House Appropriations Committee around that same time, on May 16th, the House did not begin consideration of the bill until June 29. The House resumed consideration of the bill immediately following the July recess and passed the bill on July 11 by a vote of 339–82.

There are approximately 26 legislative days remaining before the October 1 start of the fiscal year. It is my hope we can expedite the Senate's consideration of this bill so we can go to conference with the House and get this bill to the President as quickly as possible.

I thank the distinguished Senator from Wisconsin, the ranking member of the subcommittee, Mr. KOHL, as well as other members of the subcommittee, for their support and cooperation in putting this bill together. It is never easy to determine funding priorities, or to balance the many competing and legitimate needs that confront agriculture in this bill and stay within the subcommittee's required spending limitations. I believe this bill represents a responsible funding recommendation. I ask the Senators to give it their favorable consideration.

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. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MEASURE READ THE FIRST TIME—S. 2886

Mr. SMITH of New Hampshire. Mr. President, on behalf of the leader, I understand that S. 2886 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2886) to provide for retail competition for the sale of electric power, to authorize States to recover transition costs, and for other purposes.

Mr. SMITH of New Hampshire. Mr. President, I now ask for its second reading, and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

Mr. SMITH of New Hampshire. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for a period of about 15 minutes, or until the leader seeks recognition.

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

ENERGY

Mr. MURKOWSKI. Mr. President, I would like to chat a little bit about energy this evening because there are several misconceptions relative to the position that the United States is currently in relative to the high gasoline prices that we have been subjected to in the last several months.

First of all, the bad news is, there is no relief in sight. What we currently have is a situation where, simply, the available refining capacity associated with gasoline production and the demand is such that the two lines are almost parallel. In other words, our ability to produce gasoline and the current consumption of gasoline are about equal. So as a consequence, in reality, we are drawing down our reserves. This is at a time when normally our reserves would be substantially higher.

There is a reason for this. I think the American people should understand and appreciate reality because what we have is a situation where our refining capacity has been reduced dramatically over the last 8 years. We have lost about 37 refineries in the United States during the last 10-year period. There has not been a new refinery built in the United States in almost two decades.

What we have, then, is a concentration of our existing refineries operating at near full capacity, producing the requirements associated with the public's demand for gasoline, coupled with the problems associated with meeting the Clean Air Act, which mandates certain reformulated gasolines in various parts of the country.

We had testimony before the committee of which I am chairman, the Energy and Natural Resources Committee, earlier last week. One of the principals with the Environmental Protection Agency identified that the Environmental Protection Agency, under their interpretation of the Clean Air Act, has mandated as many as nine specific cuts of reformulated gasolines that have a regional application around the country. That means in California you have one type of reformulated gasoline. You have another type in Chicago. You may have another type in Atlanta.

These have gone into effect as a consequence of the June 1 new mandates for reformulated gasoline in various parts of the country. What this means is, the refineries have to separate and move and store separately these different cuts of gasoline. The cost, of course, is significant from the standpoint of what the American public has to pay.

We have seen, since the spiraling price of crude oil over the last year—where a year ago prices were $11, $12, $13, $14 a barrel—an average price of nearly $30 a barrel this year.

The difficulty we experience is, having become so dependent on imported

oil, currently imported oil is running at 56 percent of total U.S. consumption. As we look at our neighbors in OPEC, we recognize that we have an increasing dependence on their resources. In other words, they control the supply and we are the market. As a consequence, when we have significant demand increases of consumption, we go to OPEC, as our Secretary of Energy has done from time to time, encouraging more production.

However, OPEC seems to have learned from experience. They have developed a strategy internally where they have set a price floor and a price ceiling. The floor evidently is $22 a barrel of oil; the ceiling is $28 a barrel. In recent days, there has been an anticipation that OPEC will increase production, today we have the president of OPEC indicating that since the price fell temporarily below $28 a barrel, OPEC was not going to increase production and was going to review the matter in another 20 days.

The American public should be aware that we are caught between a floor-to-ceiling $22 to $28. The American public should be aware that as a consequence of OPEC's internal discipline, there is no relief in sight for a reduction of gas prices of anything appreciable. There will be perhaps some regional reductions as we get the reformulated gasoline under control in various parts of the country.

It is also important to recognize that one of the most significant additives, MTBE, has been dismissed as contrary to the health of the public in the sense that this reformulated portion does get into the water table. As a consequence, we are substituting ethanol for MTBE, which is a grain and agriculture product that enjoys a partial subsidy but nevertheless is a satisfactory additive to make reformulated gasoline to meet the market demands in the various regions of the country.

The point I want to make is that on gasoline, our demand is up. Our production is relatively stagnant, even though we are producing at the maximum capacity for our refineries. We have a situation where we are actually pulling down our reserves. For many Members of this body, particularly in the Northeast corridor, who are concerned legitimately about the high cost of heating oil and the awareness that there might not be adequate reserves being built up during the summer to meet the demand if there is a cold winter, they justifiably should be concerned. What we should be doing now is dropping off substantially our production of gasoline and building up reserves for heating oil. But that is not the case. Our reserves for heating oil are at an all-time low.

We have had consideration from the Clinton administration and some Members to set up some kind of a heating oil strategic reserve. This is rather an interesting dilemma, if you walk through it and understand it. It doesn't necessarily create the relief we want and may suggest that the Government is involving itself in the manipulation of pricing of petroleum products.

Let me cite an example of what I fear. Currently, the thought is that there will be an arrangement made by the Department of Energy to acquire up to 2 million barrels of heating oil reserve somewhere in the Northeast, perhaps in the New York City area, where they can lease tankage. The tradeoff on where the oil would come from would be crude oil from the Strategic Petroleum Reserve in Louisiana. That oil, of course, is not refined. If we take an equivalent of 2 million barrels plus, because we want to have value for value, and take the crude oil out of SPR and refine it, we are offsetting the refining capacity of that refiner of making gasoline or perhaps heating oil with the substitution of the oil from SPR.

That is purchased by the Government, put in storage, and sits in storage until such time as circumstances dictate the trigger be pulled and the oil released. Then the question is, What is the appropriate triggering mechanism? Are we going to trigger the release of based on the price of heating oil, or are we going to do it as a consequence of a supply shortage?

Last year, we had a critical situation in the Northeast but did not actually have anyone go without heating oil. What happened last year is the reserves were very low, but there was enough to meet the demand. This year, the fear, rightly so, for many in the Northeast is that there might not be enough fuel oil to meet the demand if the winter gets cold. The dilemma is, if the Government is putting in 2 million barrels and going to basically store it, then is the industry that ordinarily would build up an inventory and tie up its cash-flow for a period of time going to do that, knowing that the Federal Government is doing the same thing? It is going to be a business decision, but it is going to be interesting to see what the private sector does.

It might be simply a tradeoff. Why should the private sector build up an inventory when it knows the Government has an inventory? In the end, is there any more fuel oil left for the Northeast corridor if indeed there is a cold winter?

I bring this out to point to the difficulty we are having in coming to grips with the reality that we have a greater demand for oil than we have of productive capability. We have become dependent again on our neighbors in OPEC—and not just the 10 official OPEC members. One of our other associates is a gentleman by the name of Saddam Hussein, who is the head of Iraq.

Many people forget that we fought a war over there just a decade ago. We lost 147 lives; we had 427 Americans who were wounded; we had 23 taken prisoner. Today, Iraq is the fastest growing source of oil for the United States. Isn't that rather ironic? I can't understand why Americans are not indignant over the fact that we are looking to this tyrant, who we know is selling oil, smuggling it out, generating funds for missile development—there was just an article today relative to the testing of a new missile by Iraq—developing his biological capability. This man is a bad man. He is up to no good. Yet the United States is looking to him to bail us out for our supply of oil. It is absolutely ironic that we would look to Saddam Hussein.

August 2 will be the 10th anniversary of Saddam Hussein's invasion of Kuwait. What a difference a decade makes. Let's do a little comparison. I think the American people should wake up and be a little sensitive to the fact that we have lifted embargoes on technologies that would allow him to increase his refining capacity. The U.N. no longer does any inspections of what is going on in Iraq or where his oil is going or whether it is going for the Food for Peace Program.

Ten years ago, Saddam Hussein invaded Kuwait to stimulate higher oil prices and to build up his war machine. We know that. That was 10 years ago. Now high oil prices yield Saddam Hussein $75 million a day under a legal U.N. oil-for-food program and $2 million a day in illegal smuggling revenue which is used to build up his war machine.

Mr. President, we know this for a fact. We know what he is doing with the funds he gets from smuggling oil. Ten years ago, Saddam Hussein was proved to be the biggest threat to peace in the Middle East. As of today, it has cost thousands of lives, some $10 billion of U.S. taxpayers' money, and 150,000 sorties, where we have flown to enforce our no-fly zone. It has cost the American taxpayers $10 billion to fence in Saddam Hussein.

Saddam Hussein is still the biggest threat to peace in the Mideast and certainly the biggest threat to Israel. I can't understand why there is not more of an awakening of the fact that we are supporting this tyrant. We are becoming more dependent upon him and we are playing into his hands.

Where is the logic? Where is the American foreign policy? I can simplify foreign policy with regard to Saddam Hussein and Iraq in one single syllogism. We buy his oil, we send him our dollars, we put his oil in our airplanes, and fly over and bomb him. He puts out a press release saying how many people we injured or killed, they rally around Saddam Hussein, and the process starts all over again.

Is this the foreign policy of the United States that we support? Or would we rather ignore it and pretend it doesn't exist? I think the latter is probably the case. It is absolutely incredible that we don't face up to what is happening and the fact that we are condoning this action. Ten years ago, Saddam Hussein was using oil revenue to purchase weapons of mass destruction. Now, Saddam Hussein—the same guy—is using his oil revenue to purchase weapons of mass destruction. We

know this. They just tested them yesterday. He has the ability, with the advanced weaponry he has developed, to extend the missile clear to Israel.

Ten years ago, the United States purchased less than 400,000 barrels a day from Iraq—before the war started. Now the United States is purchasing 750,000 barrels a day. Ten years ago, the United States began to import more than 50 percent of our oil, and OPEC became an important voice in U.S. energy policy. Now, the United States, as I have indicated, is importing more than 56 percent of our oil. With Iraq, the fastest-growing supplier, Saddam Hussein has become an important voice—imagine that—in our U.S. energy policy. Saddam Hussein may have lost the war, but he certainly seems to have won the peace. With its energy policy—or lack thereof—the Clinton-Gore administration has snatched defeat from the jaws of the gulf war victory. I will repeat that. Saddam Hussein may have lost the war, but he has won the peace. With its energy policy, or lack of an energy policy, the Clinton-Gore administration has snatched defeat from the jaws of the gulf victory.

We are very much dependent on this source, and the likelihood of reducing it is not going to take place until we send a clear message as to what our energy policy will be. Now, the alternatives aren't really very complex. We either import more and pay the price, or we commit to development and exploration of our energy resources here in the United States. Wyoming, Montana, Colorado—the overthrust belt—have a tremendous potential for oil and gas development, as does Illinois, Pennsylvania, and numerous other States. We have withdrawn about 64 percent of the public land in the United States and exempted it from exploration, let alone production.

Now, we have a tremendous potential in OCS areas—off the shores of Texas, Alabama, Mississippi, and other States, some of which don't want to develop OCS areas off their States. That is their own business. But for those who do they should be allowed to do so. It is kind of interesting because our Vice President made a statement in Louisiana that if he is elected President, he will make an attempt to buy back OCS oil leases and cancel other leases.

Mr. President, that leaves one with the question: Where is this energy going to come from? We have energy coming from my State of Alaska. We have been producing 20 to 25 percent of our domestic crude oil for the last twenty years. We have the potential for a major discovery in a small sliver of the Arctic area, the Coastal Plain. Let me explain how small that sliver is. In the general area of the Arctic Wildlife Refuge, there are 19 million acres. That is as big as the size of the State of South Carolina. Half of that has been reserved in perpetuity as a wilderness. Nearly the other half has been set aside in a refuge, also in perpetuity, subject to the Congress, who are the only ones that can change it. Out of those 19 million acres, 1.5 million acres was left out to the discretion of Congress back in 1980. That was done as a consequence of the belief that this was the area where a likely discovery could be made.

Well, there have been a lot of estimates. When you look for oil, you never know where you are going to find it or how much you are going to find. If you are going to find it in Alaska, you better find a lot of it; otherwise, you can't afford to produce it. Recent estimates go as high as 16 billion barrels of recoverable reserves. That is based on the latest discovery and production technology, even though much of this area has not been made available for 3D seismic evaluation because it is under the Department of Interior. Sixteen billion barrels would be as much as what we would import from Saudi Arabia for a 30-year period. So it is a substantial amount.

What we need to do in this country—and we need to do it now; the longer we wait, the more dependent we are going to be on OPEC—is to set a clear and decisive policy toward a commitment to reduce our dependence on imports. That is what we have done, along with Senator LOTT and several colleagues, in the legislation we introduced, which is the National Energy Security Act of 2000. We have adopted a goal to guide our energy policy, and the goal is to reduce our dependence on imported oil to less than 50 percent by the end of the decade. When you have that kind of objective, you have an opportunity to send a clear message.

We have to send a clear message. We have to send a message to Saudi Arabia and to Kuwait, and we have to send it to Venezuela and Mexico, that we are committed to reducing our dependence and we are committed to increase exploration and production here in the United States. I admire the commitment of America's environmental community who, for the most part, oppose domestic oil production and exploration in the United States. But I remind them that we have the technology, the know-how, the American can-do spirit, and we can make the impact of development much smaller here and keep the jobs and the dollars at home, as opposed to the exploration that occurs in other areas of the world where they don't have the environmental safeguards. So what kind of a tradeoff is it? Is it better for the environment that we do it right here at home, or if we depend on those countries that don't have that internal discipline and consideration for the environment?

The industry says that if, indeed, they find oil in this sliver of the Arctic, out of the 1.5 million acres, which is part of the 19 million acres, which is the size of South Carolina, the footprint would be somewhere between 1,500 to 2,000 acres. My friends who are in the farming business know what kind of a farm a 1,500-acre or 2,000-acre farm is. The drilling and exploration would be done in the wintertime. The roads would be ice roads. There would be no permanent community. There would be a compatibility with the caribou. We have addressed all the issues, and we have proven it in Prudhoe Bay, where 20 percent of the crude oil has come from for the last two decades. But that was old technology; we have new technology now. Many don't want us to have an opportunity to find out if indeed the oil is there, and the oil is there in the reserves that we have.

Some people more or less dismiss it, and say, well, we are in a situation with oil. Don't worry. We have lots of natural gas.

As chairman of the Energy Committee, I have a little bit of a different view about the situation with natural gas in this country. Let me start out by reminding you and the American people that there is a rude awakening coming with regard to natural gas. It is going to affect Americans in their heating bills. It is going to affect Americans in their electric bills.

This is what has happened. A year ago in this country the price for natural gas was around $2.30. Six months ago, it was $2.56. Deliveries in January are $4.30. I know many utilities are going to their commissions advising them of rate increases. This hasn't hit the American public yet. If we thought the hue and cry on the increased price of heating oil or gasoline was going to bring down the roof, wait until you hear the cry of the American people this winter when they get their gas bills.

How did this come about? Somebody said, well, we have 160 trillion cubic feet in reserve. That was last year. We have 150 trillion cubic feet this year. We are, again, pulling down our reserves faster than we are finding new reserves. When you do that, you deplete your base.

What also is happening to put further pressure is the electric industry is turning to gas turbines for power generation—turbines. The permitting process is much easier and much cheaper than for building a coal-fired plant.

We have a situation where we are coming to grips. The American people aren't aware of it. They are not reflecting on it because it doesn't really hit them like they were hit in 1973 or 1974 when we had the Arab oil embargo. Some people in this body might be old enough to remember. We had gasoline lines around the block. The public was outraged: How could this happen in this country? How could we have these kinds of shortages? We did. The public reacted. We played the blame game and pointed the finger at everybody and everything. Gasoline and oil prices had no relief in sight.

I can guarantee it, natural gas has spiraled. It is escalating with no relief in sight. How did we get in this situation? One reason is we haven't had an energy policy for a long, long time.

What is our energy policy? Clearly, it is to provide more imports of oil into this country as opposed to developing domestic oil reserves. What is our gas policy on natural gas? We have withdrawn from public lands areas that ordinarily would be available for exploration—64 percent of the overthrust belt, as I have indicated.

What have we done with regard to nuclear power? Twenty percent of our power generation is nuclear energy. We can't pass a bill in this body to deal with the waste. We can't override the President's veto. We are one vote short to address what to do with our nuclear waste. There hasn't been a nuclear plant built in this country in 20 years. There is not going to be. They are building them in China. They are building them in Taiwan. They are building them in France. France is 76 percent dependent on nuclear energy. They don't have air quality problems. They are never going to be held hostage by the Mideast again. They learned that in 1973.

We don't have a policy on oil other than to import more. We don't have a policy for encouraging domestic gas exploration. We don't have a policy to address what we are going to do with our nuclear industry let alone resolve the nuclear waste problem. We have lots of coal. Are we building coal plants? Absolutely not. The permitting time for coal plants puts them out of reach of reality. There are none being built.

Tell me from where the energy is going to come. There are many who say, well, we should find alternative energy. I am all for it. But you name it.

We have spent over $70 billion in the last two decades subsidizing the development of alternative energy. What is it? Solar, biomass, wind? Some places in my State, such as Barrow, don't get much daylight in the wintertime. It is dark all the time. Sometimes the wind doesn't blow. These alternatives are fine. They have a place. We have to encourage them. But they are not going to take the place of oil and gas in the near future. By the time we are through evaluating our alternatives, it is not a very bright picture because the alternatives just aren't there. The alternatives provide us with about 4 percent of our current energy mix.

We have hydro. I have not spoken of hydro. It is a renewable resource. There is no question about it. But this administration curiously enough has identified hydro as nonrenewable. I grew up in Ketchikan, AK. We have a couple hundred inches of rain a year. I remember one year we had 226 inches of rain. We have a few little hydrodams.

To suggest rainfall and hydro are not renewable is beyond me. But, nevertheless, the administration proposes to remove some of the dams from the Columbia and Snake Rivers to rebuild the fish runs. Unfortunately, some time ago decisions were made, rightly or wrongly, with regard to the tradeoff on posterity. It is just that simple. You are going to have your natural runs of fish. You are not going to have dams. But they trade it consciously or unconsciously for the agricultural industry associated and what dams those rivers could do with benefits in low-cost power to the residents of the area. Whether you have an aluminum plant, whether you have Boeing, whether you have tremendous agricultural productivity out of land that was once desert, they traded those things off. You can't want it both ways. You want to rebuild the natural runs. Most of the biologists will tell you that you can enhance runs by bringing in new stock, if your ability to rebuild the native runs is pretty remote. Some people suggest it is not possible.

But if you tear down the dams, there is another tradeoff. How much barge traffic that moves the grain and commerce up and down the Columbia and Snake Rivers is going to go back on the highways? It is all going to go back, isn't it? Somebody said there will be 700,000 more trucks on our highways, if you tear down the dams. What kind of a tradeoff is that?

There is no energy policy identifiable with this administration. It is that simple—no oil, no domestic exploration, no hydro, no nuclear, no coal. That is the reality of where we are. It is a pretty bleak picture.

I ask unanimous consent to have printed in the RECORD a statement from Richard Butler from the Washington Post dated Monday, July 17, entitled ''Guess Who's Back.'' It is our friend, Saddam Hussein. It is entitled ''Saddam Hussein is reconstituting his capability to deploy weapons of mass destruction.''

I also ask unanimous consent to have printed in the RECORD a statement that came out of Reuters today entitled ''Venezuelan OPEC president Ali Rodriguez said Tuesday there would be no oil production rise at the end of this month because prices have fallen below the upper limit of OPEC's price target ban.''

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

[From the Washington Post, Monday, July 17, 2000]

GUESS WHO'S BACK

(By Richard Butler)

So you thought Saddam Hussein was out of your life? Sorry—he's back, manufacturing the weapons of mass destruction with which he threatens the Iraqi people, his neighbors and, by extension, the safety of the world.

Two separate developments have returned Saddam Hussein to the headlines. Earlier this month the administration revealed that its satellites had detected Iraq test-firing Al-Samoud missiles, home-grown, smaller versions of the Scuds last used against Israel during the 1990 Gulf War. The chief of U.S. Central Command, Gen. Tony Zinni, said that the range of the Al-Samoud easily could be increased.

The administration also revealed that Saddam Hussein has been hiding between 20 and 30 Russian Scuds as well as working through front companies outside Iraq to acquire the machine tools needed to build more missiles.

None of this is new. In my last report as executive chairman of UNSCOM, the agency charged with disarming Saddam, I warned the U.N. Security Council about Iraq's missile-development activities. That was almost two years ago, just before Iraq shut down all international arms control and monitoring efforts. I've also publicly detailed Iraq's refusal to yield or account for its holdings of at least 500 tons of fuel usable only by Scud-type missiles. Iraqi officials told me that a complete accounting for this fuel was unnecessary because, after all, Iraq had no Scud missiles. I disagreed, stating that the reverse was true: As long as Iraq refused to yield the fuel, it clearly had concealed Scuds or planned to acquire or build them.

Presumably unconnected with the administration's revelation but simultaneous with it, former UNSCOM inspector Scott Ritter, in an article in Arms Control Today, claimed that Iraq is ''qualitatively disarmed.'' He failed to offer any new information or evidence to support this dubious concept.

There were two levels of deception in Iraqi dealings with UNSCOM: concealment and false declarations on the weapons Iraq was prepared to put in play in the disarmament process. When Ritter worked for me, he was in charge of the UNSCOM unit responsible for finding and destroying the concealed weapons, and he was vilified by Iraqi leaders as their major persecutor. Now he says he has had private conversations with unspecified Iraqi officials that have persuaded him they are ''qualitatively disarmed'' and will accept a new monitoring program if the Security Council first lifts all sanctions against Iraq.

The facts are clear and alarming, and they do not support this assertion. Iraq has been free of any arms control or monitoring regime for almost two years, a consequence of the breakdown of consensus among the permanent members of the Security Council. Now Saddam Hussein is reconstituting his capability to deploy weapons of mass destruction. I've seen evidence of Iraq, attempts to acquire missile-related tools and, even more chilling, of steps the Iraqis have taken to reassemble their nuclear weapons design team. After the Gulf War, experts assessed Iraq was only six months from testing an atomic bomb. It retains that know-how. It also has rebuilt its chemical and biological weapons manufacturing facilities.

If the United States is serious about addressing the threat current developments raise, it should insist to its fellow permanent members of the Security Council that there be a new consensus on enforcing arms control in Iraq. Selective revelations such as those recently issued by the administration need to be accompanied by a robust policy within the Security Council, making clear particularly to Russia and France that the United States is not prepared to accept their patronage of Saddam Hussein.

CARACAS, July 18 (Reuters)—Venezuelan OPEC President Ali Rodriguez said Tuesday there would be no oil production rise at the end of this month, because prices had fallen below the upper limit of OPEC's price target band.

Speaking to reporters on his arrival in Venezuela after a tour of OPEC countries, the Venezuelan energy and mines minister said the mechanism to trigger an increase in production depended on the OPEC oil basket price staying above $28 a barrel for 20 consecutive days.

The price of OPEC's basket of crude fell to $27.46 a barrel on Monday, according to the OPEC secretariat in Vienna.

Asked what would result from the fall in the basket price, Rodriguez replied ''the 20-day process will begin again.''

OPEC's news agency carried a report on Monday quoting Rodriguez as asking other members to prepare for an output increase of 500,000 barrels a day if prices did not fall.

Asked whether he planned to consult with fellow OPEC members on a possible increase, Rodriguez replied ''that does not require consultation,'' By he added there is unanimous consent in the cartel for an OPEC summit in Caracas in September.

Mr. MURKOWSKI. Mr. President, that is the president of OPEC.

The article further states:

Speaking to reporters on his arrival in Venezuela after a tour of OPEC countries, the Venezuelan energy and mines minister said the mechanism to trigger an increase in production depended on the OPEC oil basket price staying above $28 a barrel for 20 consecutive days.

Our Secretary of Energy made a deal when he was over there several months ago and petitioned the Saudis for greater production. That was at the time we were first beginning to feel the price escalation. He did generate a commitment for another 500,000 barrels of oil.

However, the American public and the American press made the assumption we were going to get all that increased production. We only got 16 percent. That is our allocation in this country. Mr. President, 16 percent of 500,000 barrels is not enough to fuel Washington, DC, in 1 day. It is a drop in the bucket. Other areas of the world are recovering, including Asia, Japan, and they are increasing in their demand for oil.

In any event, speaking to reporters, the Venezuela Energy and Mines Minister says the mechanism to trigger an increase depended on the OPEC oil basket price staying above $28 a barrel for 20 consecutive days. He further says the price of OPEC's basket of crude oil fell to $27.46 a barrel on Monday, according to the OPEC secretary in Vienna. Asked what the result from the fall in the basket price would be, Rodriguez replied: The 20-day process will begin again.

So we are on another 20 days; no relief for at least 20 days. They are not going to produce more oil, so the price will stay around $30, where it is currently.

OPEC's news agency carried a report on Monday quoting Rodriguez and other members to prepare for an output increase of 500,000 barrels a day if prices did not fall. Well, they fell. And asked whether he planned to consult with fellow OPEC members on a possible increase, Rodriguez replied that does not require consultation. He added that there is unanimous support in the cartel for an OPEC summit in Caracas in September. Remember where you heard it first. Right out of Caracas, from the president of OPEC, there is no relief in sight until September.

Maybe we ought to go out and fill up our tanks today because it might go up tomorrow.

There we are. A capsule, if you will, of the dilemma with regard to a lack of an energy policy, where we are on gasoline, where we are in heating oil, where we are in natural gas. Who bears the responsibility for this? I think it is fair to say, at times this is a partisan body of some regard, I think we have seen from time to time situations where we point the finger and don't want to bear the responsibility.

At the risk of generating some reaction from my colleagues on the other side of the aisle, I think it is fair I point out some inconsistencies with regard to the position of our Vice President. As we look at the coming election and the role of the candidate on energy and on the environment, I think we have to ask where the candidates really stand. I will give one person's view. As the campaigns march toward November, I think we have to ask ourselves where Vice President GORE really stands in the minds of the voters. I served with the Vice President in this body and I have the deepest respect for him, but I think we are aware that, while he is an expert politician, he is recognized as an extreme environmentalist to some extent. He has a mixed bag. He is involved in policy but he also appears to be a zinc miner, an oil company shareholder, and has a record of shifting his position on energy and environmental issues.

One looks back on gasoline prices, which I have talked a good deal about this evening, but in his book ''Earth in the Balance,'' the Vice President, who certainly structures himself as an environmentalist said: Higher taxes on fossil fuels is one of the logical first steps in changing our policies in a manner consistent with a more responsible approach to the environment.

''Changing our policies'' is certainly legitimate. Even as the Vice President was casting a tie-breaking vote in this body to raise gasoline taxes—and it was his vote that raised them 4.3 cents—the Environmental Protection Agency determined that more expensive reformulated gasoline needed to be sold in many areas of the country. According to memoranda from the Department of Energy and the Congressional Research Service, EPA's gasoline requirements balkanized the market and strained supply and raised prices.

One has to question whether, if the Vice President's policies were so effective in raising prices, one would expect the Vice President to be somewhat satisfied. But obviously, confronted with angry consumers, AL GORE, the politician, suggested that refiners and oil companies were to blame. There is a lot of blaming around here for anything that is an inconvenience to the public. We all scurry for cover. Again, I think we have to look at whether what AL GORE wrote in his book, ''Earth in the Balance,'' suggests high energy prices would thwart the utilization of gasoline that, indeed, he might be satisfied with higher energy prices.

I have been handed a note relative to a matter that is of concern to all Members, and as a consequence I believe the leader is going to request the attention of this body.

I therefore suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocations for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	$541,565,000,000	$547,687,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	869,352,000,000	889,461,000,000
Adjustments:		
General purpose discretionary	+28,000,000	+6,527,000,000
Highways		
Mass transit		
Mandatory		
Total	+28,000,000	+6,527,000,000
Revised Allocation:		
General purpose discretionary	541,593,000,000	554,214,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	869,380,000,000	895,988,000,000

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays	Surplus
Current Allocation: Budget Resolution	$1,467,670,000,000	$1,446,408,000,000	$56,792,000,000
Adjustments: Emergencies	+28,000,000	+6,527,000,000	−6,527,000,000
Revised Allocation: Budget Resolution	1,467,698,000,000	1,452,935,000,000	50,265,000,000

VICTIMS OF GUN VIOLENCE

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

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

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

July 18:

Sabino Cornejo, 39, Memphis, TN; Ronald Dowl, 24, New Orleans, LA; Steven Gardner, 45, Miami-Dade County, FL; Gregory Irvin, 17, St. Louis, MO; Willie Love, Detroit, MI; Iddeen Mustafa, 17, Detroit, MI; Phet Phet Phongsanarh, 20, Detroit, MI; Roberto Ramirez, 15, Detroit, MI; Ronald Regaldo, 19, Denver, CO; Lenou Thammavongsa, Detroit, MI; Jorge Vasquez, 18, Dallas, TX; Dawamda Withrow, 20, New Orleans, LA; Unidentified male, 25, Norfolk, VA.

One of the victims of gun violence I mentioned was Sabino Cornejo, a 39-year-old Memphis man who was a beloved and highly respected member of his community. One year ago today, gunmen burst into his home and ordered him and his family to the floor. Sabino was shot and killed in front of his four children.

We cannot sit back and allow such senseless gun violence to continue. The time has come to enact sensible gun legislation. Sabino's death is a reminder to all of us that we need to act now.

DEATH TAX ELIMINATION ACT

Mr. KYL. Mr. President, last Friday, the Senate concluded debate on the Death Tax Elimination Act, H.R. 8, and passed the bill by a bipartisan vote of 59 to 39. I am very grateful to Senators on both sides of the aisle who supported this important legislation.

The broad, bipartisan support the death-tax repeal bill received suggests that we have finally found a formula for taxing inherited assets in a fair and common sense way. Unrealized gains will be taxed, but they will be taxed when they are earned—not at death. Death itself will no longer trigger a tax.

This change—effectively substituting a capital-gains tax, which would be due upon the sale of inherited assets, for an estate tax at death—is itself a compromise.

When I first introduced a death-tax repeal bill in 1995, I did not propose any change in the stepped-up basis—a change that is at the heart of this bill. My original legislation would have repealed the death tax and allowed heirs to continue to step up the tax basis in the inherited property to the fair market value at the date of death.

That is obviously the ideal world for taxpayers: No death tax, and a minimal capital-gains tax when the inherited assets are later sold. The problem was, that approach sat idle for four years. We could not get it to the Senate floor for a vote, and we could not attract bipartisan support for it.

The idea behind this bill really came out of a hearing before the Senate Finance Committee in 1997. At the hearing, Senators MOYNIHAN and KERREY acknowledged that the death tax was problematic, but expressed the concern that, if we repealed the death tax without adjusting the basis rules, unrealized gains in assets held until death could go untaxed forever.

It struck me then that we had the basis for a compromise. If we could agree that death should not trigger a tax, we should be able to agree that death should not confer a tax benefit, either. The answer was to simply take death out of the equation. Coupling death-tax repeal with a limitation on the step-up in basis does just that.

So H.R. 8 represents a compromise. And that is why, I think, we were able to win the votes of 59 Senators, including nine Democrats. And that is why 65 Democrats were able to support the legislation in the House of Representatives.

During consideration of the death-tax repeal bill last week, some of our colleagues on the other side proposed a different kind of compromise. They said theirs would repeal the death tax for virtually all family-owned businesses and farms. Some have suggested that, if President Clinton vetoes the death-tax repeal initiative, the Democratic substitute might serve as a basis for further compromise. The problem is, the approach taken in the substitute—while well-intentioned—is fatally flawed.

Here is how the Wall Street Journal put it in an editorial on July 13:

> Senate Democrats also offer to expand a small-business and farm exception that is a tax-lawyer's dream. The loophole, known as IRS Code section 2057, is so complicated and onerous that few estates qualify.

Let me take a few moments to explain the deficiencies of this Democratic substitute. First, there are requirements that more than 50 percent of the decedent's assets must be made up of the qualifying business; that the decedent or immediate family must have actively operated the business for five of the eight years preceding death; and that a member of the immediate family must agree to continue to operate the business for at least 10 years after the decedent's death.

If any of these conditions is not adhered to for 10 full years after death, the government can still collect the original estate-tax that was due, plus accrued interest.

And understand this: to protect its right to recapture the estate tax if the business fails to comply, the Federal Government attaches a Federal tax lien to the property for a full 10 years. For a business, like farming, which is credit-dependent, such tax liens can make it virtually impossible to secure loans and financing for business operations, for growth, and for viability. In addition, the heirs are held personally liable for the estate tax and any penalties.

So, far from providing meaningful relief, the Democratic substitute leaves a cloud over the family business for up to a decade after death. The government can come back any time and recapture the estate tax that was due, plus interest, if the business, at any point, falls out of compliance. The threat of reimposition of the tax absolutely limits the family's flexibility in managing and disposing of business assets in its best interest.

The Democratic substitute relies on the current law's onerous material participation requirement, which, in effect, forces the family to work in the day-to-day operation of the business, or face the death tax, plus severe penalties. These requirements may be difficult to satisfy if, for example, the present owners are disabled or other family members are not yet involved in the business.

It relies on very complex rules for determining the value of farms and closely-held business interests. Historically, the IRS has challenged virtually every valuation method used, and these challenges typically wind up in Tax Court.

There are currently 149 tax cases which have been decided and reported involving 2032A issues. The IRS has challenged the validity of 2032A election or planning, and has won in approximately 67 percent of the cases. An equal number may be embroiled in the administrative process before court action. So much for relief—two-thirds of the few who do think they qualify, do not ultimately qualify and have to pay the tax with interest.

The so-called family business ''carveout,'' which is embodied in Section 2057 of current law, is so bad that the Real Property and Probate Section of the American Bar Association has urged its repeal.

The reason the ABA condemns this section so strongly is that it is extremely complex and has an extremely limited application. It provides little practical help to families trying to preserve the family-owned farm or small business. It incorporates 14 sections from Section 2032A, which the ABA considers the most dangerous section of the estate-tax law because of the risk of malpractice claims against estate-planning lawyers and accountants.

So the fact is, if you rely on these sections of the tax code, you can raise the value of the estates eligible for relief as high as you want, and still few estates are going to get the intended relief. Estimates are that only about three to five percent of estates would benefit, and even then, as I said before,

if they do not continue to meet all requirements for 10 years after death, the government can still come back and collect the original estate-tax bill plus accrued interest. The government's interest is protected by a lien that is maintained on the business for 10 years.

Of course, because the family-business carveout is so complex—because it requires determining compliance and ensuring continued compliance for 10 years—business owners have to continue to engage in expensive estate-tax planning. That is a tremendous waste of resources—resources that would otherwise be plowed back into the business for new jobs, better pay for current employees, business expansion, or research and development.

A recent report by the National Association of Women Business Owners (NAWBO) found that, ''on average, 39 jobs per business or 11,000 jobs have already been lost due to the planning and payment of the death tax.'' NAWBO projects that, on average, 103 jobs per business, or a total of 28,000 jobs, will be lost as a result of the tax over the next five years. That would not change under the Democratic substitute, because there would still be a need for expensive estate-tax planning.

Mr. President, 59 Senators voted for a better approach—one that takes death out of the equation and taxes inherited assets like any other assets for tax purposes. A capital-gains tax would be paid when the assets are sold, with only a limited adjustment in the decedent's tax basis to ensure that no one is subject to new tax liability.

That is the true compromise. Tinkering with an already unworkable section of the tax code is not an effective substitute. I hope the President will sign the Death Tax Elimination Act when it reaches his desk. If not, we will be back next year when a new President is in the White House, and I predict that we will prevail.

I yield the floor.

WILLISTON WATER TRANSMISSION LINE

Mr. DORGAN. Mr. President, I rise today as a proud cosponsor of the bill to authorize the Williston Water Transmission Line. Williston is a small town of 13,000 located in the Northwest corner of North Dakota about twenty miles East of the Montana state line. Williston is located along the Missouri River not far from where the Fort Union Trading Post existed from 1828–1867. Today the fur trading post is a tourist attraction, and agriculture and oil productions are the main industries in the Williston area.

Mr. President, prior to construction of the existing Williston Water Treatment Plant, Williston obtained water to meet its municipal needs from the Missouri River. With the construction of the Garrison Dam and the creation of Lake Sakakawea in 1954, Williston is in the delta area of Lake Sakakawea and had to relocate its water intake and water treatment plant approximately five miles upstream to its present location. The Corps and Williston funded the construction of a large diameter transmission line to convey the entire water supply from the water treatment plant to the city of Williston.

All of the water treated by the water treatment plant must flow through this single existing transmission line to reach Williston. In the 1970's and early 80's, siltation covered the existing intake valves for the city's water supply, requiring the construction of two new intake valves. The lake is currently silting twice as fast as the original Corps estimate. Mr. President, in the spring of 1998, a leak in the transmission line caused by the saturated soil forced the city to forgo any supply of water for five and a half days. The lack of accessibility, unstable soil conditions and high ground water along the route make the line's reliability a significant concern. Williston must now construct a new water transmission line on higher ground.

This bill will authorize the construction of a new water transmission line to Williston. Because the old line has been damaged by the construction of the Garrison Dam, this authorization is appropriate and essential. Mr. President, I would like to commend the residents of Williston who have worked so hard for so long to resolve this problem. They have been tireless in their efforts to fix this problem—a problem caused by the Federal government.

Mr. President, I join with Senator CONRAD and look forward to working with my colleagues to ensure the citizens of Williston have a reliable water transmission line.

THE WHITE MOUNTAIN NATIONAL FOREST

Mr. KERRY. Mr. President, today the Senate passed the Interior Appropriations bill for fiscal year 2001. Included in that legislation is a rider that exempts the White Mountain National Forest in New Hampshire from the Forest Service's Roadless Initiative. While I supported the passage of the Interior Appropriations bill, I want to express my concern over this rider.

I am concerned because the White Mountain National Forest is a national resource, and it is completely appropriate for the federal government to set forth policies to conserve and protect a national resource. Many of my constituents in Massachusetts hike, camp, sightsee and enjoy the great natural lands of the White Mountains. In fact, it was a Massachusetts Congressman, John Weeks, who sponsored the legislation creating the White Mountain National Forest. When the Forest Service sought comment on a new management plan for the forest, more than 54 percent of all comments were submitted by Massachusetts residents. Proponents of the rider have argued that its purpose is to protect local control of forest management. Certainly local residents should have input in the management of the forest. I urge local participation in decisions at Cape Cod National Seashore. However, it sets a bad precedent when one forest is exempted from a national policy to protect the national interest.

Despite these concerns I did not move to strike this rider. The reason, ironically, is that I'm confident that the White Mountain National Forest will remain protected because of local input. Time and again, the local process, driven by the citizens of New Hampshire and Massachusetts, has resulted in sound management of the White Mountain National Forest. So, while I oppose the amendment for the precedent it will set, I expect and hope that it will have almost no impact on the health of the forest.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 17, 2000, the federal debt stood at $5,671,572,598,778.11 (Five trillion, six hundred seventy-one billion, five hundred seventy-two million, five hundred ninety-eight thousand, seven hundred seventy-eight dollars and eleven cents).

Five years ago, July 17, 1995, the federal debt stood at $4,927,653,000,000 (Four trillion, nine hundred twenty-seven billion, six hundred fifty-three million).

Ten years ago, July 17, 1990, the federal debt stood at $3,160,395,000,000 (Three trillion, one hundred sixty billion, three hundred ninety-five million).

Fifteen years ago, July 17, 1985, the federal debt stood at $1,795,284,000,000 (One trillion, seven hundred ninety-five billion, two hundred eighty-four million).

Twenty-five years ago, July 17, 1975, the federal debt stood at $533,089,000,000 (Five hundred thirty-three billion, eighty-nine million) which reflects a debt increase of more than $5 trillion—$5,138,483,598,778.11 (Five trillion, one hundred thirty-eight billion, four hundred eighty-three million, five hundred ninety-eight thousand, seven hundred seventy-eight dollars and eleven cents) during the past 25 years.

ADDITIONAL STATEMENTS

HONORING THE ECOLE CLASSIQUE ACADEMIC GAMES TEAM

• Mr. BREAUX. Mr. President, I rise to pay tribute to the Ecole Classique Academic Games team from Metairie, Louisiana, which is one of the most successful Academic Games teams in America.

For the past seven years, Ecole Classique has competed in the National Academic Games in Eatonton, Georgia. Over these years, the team has won hundreds of first, second and third

place honors, more than 100 national titles, and seven sweepstakes championships as the finest team in the country. They have also won national titles in all four divisions, something no other school in the country has ever achieved.

The Ecole Classique team undergoes an intense year of preparation and hard work to prepare for the Academic Games. At the tournament they divide into fuor divisions and use creative problem solving skills and strategies to compete against other students from across America in the areas of Social Studies, Language Skills, Mathematics and Logic.

Once again, their hard work has paid off. At this year's competition, the Ecole Classique students won more than 100 trophies, 16 national championships and two sweepstakes titles—far outpacing their nearest competitors.

Making Ecole Classique's accomplishment even more remarkable is the fact that while other teams are comprised of all-star students pooled from multiple schools, Ecole Classique's team only consists of students who attend this small school in Metairie, Louisiana.

I must also salute the team's coach, Don Shannon. An extraordinary leader and mentor, Mr. Shannon has distinguished himself by becoming the only Academic Games coach in the nation to lead multiple sweepstakes champions in all four divisions.

I congratulate the remarkable students of Ecole Classique's Academic Games team who continue to make their family, school and community proud, and extend my very best wishes for their continued success.●

TRIBUTE TO WILLIAM WENTWORTH—2000 ENTREPRENEUR OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor William Wentworth upon his recognition as the 2000 Entrepreneur of the Year by the New Hampshire High Technology Council.

Bill is the President and CEO of Source Electronics, a software programming company that he has increased in size from three employees in 1988 to its current number of 220. Bill's strong commitment to customer service and the highest levels of quality are the primary reason why Source Electronic was able to grow into such a successful business.

Source Electronics illustrates true dedication to its clients by tailoring programs to meet their needs, such as an interactive website allowing customers the ability to submit and track their orders. It is competitive advantages like these that set Source Electronics apart from other companies and allows them to do business with large firms such as Lucent Technologies, Cabletron and Motorola, to name a few. The enthusiastic dedication to serve and support the customer is also demonstrated by the entire staff at Source Electronics, undoubtedly a result of the examples Bill has set for others. Under Bill's strong leadership, Source Electronics was voted one of the top ten companies in New Hampshire in 1997 and 1999.

The hard work Bill has invested into his company proves his keen business skill. The dedication he has exhibited in placing customer concerns first is truly commendable. It is companies like Bill's that prove New Hampshire's competitiveness in the technological field. Bill, it is an honor to represent you in the United States Senate.●

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.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE TALIBAN IN AFGHANISTAN—MESSAGE FROM THE PRESIDENT—PM 120

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the Taliban (Afghanistan) that was declared in Executive Order 13129 of July 4, 1999.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 17, 2000.*

MESSAGE FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House passed the following bills, in which it requests the concurrence of the Senate:

H.R. 728. An act to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws.

H.R. 3985. An act to designate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar City, Florida, as the ''Vicki Coceano Post Office Building.''

H.R. 4437. An act to grant to the United States Postal Service the authority to issue semipostals, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 319. Concurrent resolution congratulating the Republic of Latvia on the 10th anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

MEASURES REFERRED

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

H.R. 3985. An act to designate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar City, Florida, as the ''Vicki Coceano Post Office Building''; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–566. A resolution adopted by the House of the General Assembly of the State of Illinois relative to the financial structure of the Coal Act; to the Committee on Finance.

HOUSE RESOLUTION NO. 564

Whereas, Illinois is a coal-producing and coal-consuming State that has benefitted tremendously from the hard, dangerous work of retired coal miners; and

Whereas, The United States government entered into a contract with the coal miners in 1946 that created the United Mine Workers of America Health and Retirement Funds; and

Whereas, This contract was signed in the White House in a ceremony with President Harry Truman; and

Whereas, A federal commission established by U.S. Secretary of Labor Elizabeth Dole concluded in 1990: ''Retired coal miners have legitimate expectations of health care benefits for life; that was the promise they received during their working lives and that is now they planned their retirement years. That commitment should be honored.''; and

Whereas, This promise became law in 1992 when Congress passed, and President George Bush signed, the Coal Industry Retiree Health Benefit Act (the Coal Act); and

Whereas, The Coal Act reiterated the promise of lifetime health benefits for retired coal miners and their dependents; and

Whereas, Congress intended the Coal Act to:

''(1) remedy problems with the provision and funding of health care benefits with respect to the beneficiaries of multiemployer benefit plans that provide health care benefits to retirees in the coal industry;

(2) allow for sufficient operating assets for such plans; and

(3) provide for the continuation of a privately financed self-sufficient program for the delivery of health care benefits to the beneficiaries of such plans''; and

Whereas, Certain court decisions have eroded the financial structure that Congress put in place under the Coal Act; and

Whereas, These court decisions have placed the continued provision of health benefits to retired coal miners in jeopardy; therefore, be it

Resolved, by the House of Representatives of the Ninety-First General Assembly of the State of Illinois, That we urge the Congress and the Executive Branch of the United States to work together to reform the financial structure of the Coal Act and to ensure that retired coal miners continue to receive the health care benefits they were promised and so rightly deserve; and be it further

Resolved, That suitable copies of this resolution be sent to the President of the United States and to each member of the Illinois congressional delegation.

POM–567. A resolution adopted by the Senate of the Legislature of the Commonwealth of Puerto Rico relative to market access concerning China; to the Committee on Finance.

RESOLUTION

In agriculture, tariffs on U.S. priority products, such as beef, dairy and citrus fruits, will drop from an average of 31% to 14% in January 2004. China will also expand access for bulk agricultural products such as wheat, corn, cotton, soybeans and others; allow for the first time private trade in said products; and eliminate export subsidies. In manufactures, Chinese industrial tariffs will fall from an average of 25% in 1997 to 9.4% in 2005. In information technology, tariffs on products such as computers, semiconductors, and all Internet-related equipment will fall to zero by 2005. In services, China will open markets for distribution, telecommunications, insurance, express delivery, banking, law, accounting, audiovisual, engineering, construction, environmental services, and other industries.

At present, China severely restricts trading rights, i.e., the right to import and export, as well as the ability to own and operate distribution networks, which are essential in order to move goods and compete effectively in any market. Under the proposed agreement, China will phase in such trading rights and distribution services over three (3) years, and also open up sectors related to distribution services, such as repair and maintenance, warehousing, trucking and air courier services. This will allow American businesses to export directly to China and to have their own distribution network in China, rather than being forced to set up factories in China to sell products through Chinese partners, as has been frequently the case until now.

At the same time, the proposed agreement offers China no increased access to American markets. The United States agrees only to maintain the market access policies that already apply to China, and have for over twenty (20) years, by making China's current Normal Trade Relations status permanent. WTO rules require that members accord each other such status on an unconditional basis.

If Congress does not grant China ''Permanent Normal Trade Relations'' status, our European, Asian, Canadian and Latin American competitors will reap the benefits of China's WTO accession, but China would not be required to accord these benefits to the United States.

In addition to purely economic considerations, China's accession to the WTO will promote reform, greater individual freedom, and strengthen the rule of law in China, which is why the commitments already made represent a remarkable victory for Chinese economic reformers. Furthermore, WTO accession will give the Chinese people greater access to information, and weaken the ability of hardliners in the Chinese government to isolate China's public from outside ideas and influences. In view of these facts, it is not surprising that many of China's and Hong Kong's activists for democracy and human rights—including Martin Lee, the leader of Hong Kong's Democratic Party, and Ren Wanding, a prominent dissident who has spent many years of his life in prison—see China's WTO accession as the most important step toward reform in the past two decades.

Finally, WTO accession will increase the chance that in the new century, China will be an integral part of the international system, abiding by accepted rules of international behavior, rather than remain outside the system, denying or ignoring such rules. From the U.S. perspective, PNTR advances the American people's larger interest to bring China into international agreements and institutions that can make it a more constructive player in the current world, with a significant stake in preserving peace and stability.

For all of the above considerations, the Senate of Puerto Rico joins in urging the President and the Congress of the United States to pass a Permanent Normal Trade Relations (''PNTR'') agreement with China at the earliest possible moment, which will provide American farmers, workers and industries with substantially greater access to the Chinese market, to the ultimate benefit of the U.S. economy in general and the American people in particular. Be it

Resolved by the Senate of Puerto Rico:

SECTION 1.—To urge the President and the Congress of the United States to approve a Permanent Normal Trade Relations (''PNTR'') agreement with China at the earliest possible date in order to promote security an prosperity for American farmers, workers and industries by providing substantially greater access to the Chinese market.

SECTION 2.—This Resolution will be officially notified to the Honorable William Jefferson Clinton, President of the United States, to the Honorable Albert Gore, Jr., Vice-President of the United States, to the Honorable Trent Lott, United States Senate Majority Leader, and to the Honorable J. Dennis Hastert, Speaker of the United States House of Representatives, as well as selected Members of the United States Congress.

SECTION 3.—This Resolution will be publicized by making copies thereof available to the local, state and national media.

SECTION 4.—This Resolution will become effective immediately upon its approval by the Senate of Puerto Rico.

POM–568. A resolution adopted by the House of the General Assembly of the Commonwealth of Virginia relative to the financial structure of the ''Coal Act''; to the Committee on Finance.

HOUSE RESOLUTION NO. 6

Whereas, the Commonwealth of Virginia is a coal-producing and coal-consuming state that has benefited tremendously from the hard, dangerous work of retired coal miners; and

Whereas, the United States government entered into a contract with coal miners in 1946 that created the United Mine Workers of America Health and Retirement Funds; and

Whereas, this contract was signed in the White House in a ceremony with President Harry Truman; and

Whereas, a federal commission established by United States Secretary of Labor Elizabeth Dole concluded in 1990 that ''retired coal miners have legitimate expectations of health care benefits for life; that was the promise they received during their working lives and that is how they planned their retirement years. That commitment should be honored''; and

Whereas, this promise became law in 1992 when Congress passed, and President George Bush signed, the Coal Industry Retiree Health Benefit Act (the Coal Act); and

Whereas, the Coal Act reiterated the promise of lifetime health benefits for retired coal miners and their dependents; and

Whereas, Congress intended the Coal Act ''(1) to remedy problems with the provision and funding of health care benefits with respect to the beneficiaries of multiemployer benefit plans that provide health care benefits to retirees in the coal industry; (2) to allow for sufficient operating assets for such plans; and (3) to provide for the continuation of a privately financed self-sufficient program for the delivery of health care benefits to the beneficiaries of such plans''; and

Whereas, certain court decisions have eroded the financial structure that Congress put in place under the Coal Act; and

Whereas, these court decisions have placed the continued provision of health benefits to retired coal miners in jeopardy; now, therefore, be it

Resolved by the House of Delegates, That the President and the Congress of the United States be urged to work together to reform the financial structure of the Coal Act to ensure that retired coal miners continue to receive the health care benefits they were promised and so rightly deserve; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–569. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the Trade Act of 1974; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 284

Whereas, the Trade Act of 1974 established a statutory framework for providing transitional adjustment assistance to employees displaced due to increased importation of competitive products; and

Whereas, the adoption by Congress of the North American Free Trade Agreement (NAFTA) included the establishment of a transitional adjustment assistance program in the event that imports of competitive goods from Canada or Mexico are an important contribution to workers' separation; and

Whereas, since the adoption of NAFTA, the number of imports from Canada and Mexico of products directly competitive with products manufactured in the United States has increased; and

Whereas, many manufacturing plants in the United States have displaced workers or closed entirely due to increased competition from imported products; and

Whereas, American workers have had difficultly finding similar employment and need retraining services to be qualified for other types of employment; and

Whereas, the current length of time for retraining benefits under the Trade Act is inadequate for most Americans to complete retraining programs; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to amend that portion of the Trade Act of 1974 establishing the North American Free Trade Agreement Transitional Adjustment Assistance Program to extend the maximum time period for receipt of benefits from 52 weeks to 78 weeks; and, be it

Resolved further, That the General Asssembly of Virginia most fervently urge and encourage each state legislative body of the United States of America to enact this resolution, or one similar in context and form, as a show of solidarity in petitioning the federal government for greater benefits to workers displaced due to the adoption of NAFTA; and be it

Resolved finally, That the Clerk of the House of Delegation transmit copies of this resolution to the President of the United States, the Secretary of the United States Department of Labor, the Speaker of the United States House of Representatives, the President of the United States Senate, each member of the Virginia Congressional Delegation, and to the presiding officer of each house of each state legislative body in the United States of America.

POM–570. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the North American Free Trade Agreement transitional adjustment assistance; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 283

Whereas, ratification of the NAFTA treaty was a congressional policy decision which could benefit the continent as a whole; and

Whereas, one of the effects of NAFTA has been to set the United States and other countries on the road to economic globalization; and

Whereas, professional economists continue to analyze and to debate the efficacy of economic globalization; and

Whereas, however, professional economists and most policy makers are not directly or dramatically affected by economic globalization; and

Whereas, although the United States continues to experience economic prosperity, pockets of the United States and Virginia have not benefited from the financial boom; and

Whereas, when plants close because of outsourcing of labor costs to other countries, the people who lose their jobs are not likely to feel sympathy for the benefits of a global economy to the rest of the country or the Commonwealth; and

Whereas, these displaced workers are frequently entitled to elect such benefits as the 18-month COBRA extension of health care insurance coverage; and

Whereas, the costs of the COBRA extension are often beyond the means of unemployed individuals with families; and

Whereas, those individuals who lose their jobs because of the effects of NAFTA and globalization are tax-paying and responsible citizens who, through no fault of their own, must face an uncertain future in the new millennium that may include retraining, the search for new employment, and inadequate access to health care; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to enhance the benefits for individuals eligible for North American Free Trade Agreement (NAFTA) transitional adjustment assistance by providing expanded and short-term eligibility for medical assistance services to such individuals and their families; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–571. A resolution adopted by the House of the Legislature of Louisiana relative to a multiyear reauthorization of the Coastal Wetlands Planning, Protections, and Restoration Act; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 6

Whereas, the Coastal Wetlands Planning Protection and Restoration Act (CWPPRA) has been the keystone of state and federal efforts to restore Louisiana's disappearing coastal lands; and

Whereas, it is essential to successfully build on and improve the coastal stewardship campaign that holds and secures the resources, communities, and economies dependent upon the barrier shorelines, wetlands, fisheries, and estuaries of our coastal zone; and

Whereas, it is vital to the interests of Louisiana and this nation that CWPPRA and the efforts it has authorized and funded be continued; and

Whereas, the United States Senate has already passed a multiyear reauthorization of CWPPRA. Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby memorialize congress that it is in the urgent best interests of the state of Louisiana and of the United States of America to pass a multiyear reauthorization of the Coastal Wetlands Planning, Protection, and Restoration Act. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–572. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to Michigan's Remedial Action Plans; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 133

Whereas, the United States-Canada Great Lakes Water Quality Agreement of 1972, as amended, provided for the designation of Areas of Concern in need of remedial actions to address documented pollution problems; and

Whereas, Fourteen Areas of Concern have been designated in Michigan, each with a Remedial Action Plan process that coordinates and focuses the efforts of multiple levels of government and other stakeholders; and

Whereas, Many of Michigan's Remedial Action Plans are entering the implementation phase, when funding for technical guidance and coordination by state agency staff is critically important; and

Whereas, The United States Environmental Protection Agency (EPA) has traditionally supported state Area of Concern efforts. This is consistent with the EPA's responsibilities under the Great Lakes Water Quality Agreement; and

Whereas, Funding through the EPA is vital to leveraging funding through the Clean Michigan Initiative environmental bond program to implement measurable environmental improvements in Michigan's fourteen Areas of Concern; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to reaffirm its support for and federal role in the Areas of Concern program by allocating a minimum of $7.5 million for the Great Lakes Areas of Concern in Fiscal Year 2001; and be it further

Resolved, That we urge that no less than $1.0 million of this total be allocated by the EPA for efforts within the state of Michigan to develop and implement Remedial Action Plans and associated activities under the Great Lakes Water Quality Agreement; and be it further

Resolved, That we urge that these funds be allocated to provide no less than $700,000 for Michigan Department of Environmental Quality staff; $125,000 for Statewide Public Advisory Council activities; and $175,000 for support to individual Public Advisory Councils within the Areas of Concern; and be it further

Resolved, That we urge that funding support for the EPA be used to leverage substantial resources from the Clean Michigan Initiative environmental bond program for contaminated sediment remediation, nonpoint source pollution control, brownfields redevelopment, and other critical efforts; and be it further

Resolved, That copies of this resolution be transmitted to the Administrator of the EPA, the EPA's Region 5 office, the EPA's Great Lakes National Program Office, the International Joint Commission, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–573. A resolution adopted by the County of Ocean, New Jersey relative to halt the dumping of dredge materials; to the Committee on Environment and Public Works.

POM–574. A resolution adopted by the Council of Stafford Township, New Jersey relative to the prohibiting of ocean dumping of dredged material; to the Committee on Environment and Public Works.

POM–575. A resolution adopted by the Township of Eagleswood, New Jersey relative to the halting of dumping of dredged material; to the Committee on Environment and Public Works.

POM–576. A resolution adopted by the Council of the Borough of Barnegat Light, New Jersey relative to ocean dumping; to the Committee on Environment and Public Works.

POM–577. A resolution adopted by the Township of Stafford, New Jersey relative to the dumping of dredge spoils at the Historic Area Remediation Site; to the Committee on Environment and Public Works.

POM–578. A resolution adopted by the Township Committee of Dover, New Jersey relative to the halting of dumping at the Historic Area Remediation Site; to the Committee on Environment and Public Works.

POM–579. A resolution adopted by the Council of Borough of Barnegat Light, New Jersey relative to the dumping of contaminated dredged material; to the Committee on Environment and Public Works.

POM–580. A resolution adopted by the Board of Commissioners of the Borough of Beach Haven, New Jersey relative to the ''Mud Dump site''; to the Committee on Environment and Public Works.

POM–581. A resolution adopted by the Council of the Borough of Ship Bottom, New Jersey relative to the Historic Area Remediation Site; to the Committee on Environment and Public Works.

POM–582. A resolution adopted by the Legislature of the State of New York relative to the Boundary Waters Treaty Act; to the Committee on Environment and Public Works.

RESOLUTION

Whereas, Water is a critical resource that is essential for all forms of life and for a broad range of economic and social activities; and

Whereas, The Great Lakes support 33 million people as well as a diversity of the plant and animal populations; and

Whereas, The Great Lakes contain roughly 20% of the world's freshwater and 95% of the freshwater of the United States; and

Whereas, The Great Lakes are predominantly non-renewable resources with approximately only 1% of their water renewed

annually by precipitation, surface water runoff and inflow from groundwater sources; and

Whereas, The Great Lakes Basin is an integrated and fragile ecosystem with its surface and groundwater resources a part of a single hydrologic system, which should be dealt with as a whole in ways that take into account water quantity, water quality and ecosystem integrity; and

Whereas, Sound science must be the basis for water resource management policies and strategies; and

Whereas, Scientific information supports the conclusion that a relatively small volume of water permanently removed from sensitive habitats may have grave ecological consequences; and

Whereas, Single and cumulative bulk removals of water from drainage basins such as interbasin transfers, reduce the resiliency of a system and its capacity to cope with future, unpredictable stresses, including potential introduction of non-native species and diseases to receiving waters; and

Whereas, There is uncertainty about the availability of Great Lakes water in the future—in light of previous variations in climactic conditions, climate change, demands on water—cautions should be used in managing water to protect the resource for the future; and

Whereas, A report from The International Joint Commission, released March 15, 2000, recommends that Canadian and U.S. federal, provincial and state governments should not permit the removal of water from the Great Lakes Basin unless the proponent can demonstrate that the removal will not endanger the integrity of the Great Lakes Ecosystem; and

Whereas, Canada has already introduced legislation to amend the Boundary Waters Treaty Act to prohibit bulk water withdrawals from the Great Lakes; now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to urge the New York State Congressional Delegation to effectuate an amendment to the Boundary Waters Treaty Act to prohibit bulk water withdrawals from the Great Lakes to preserve the integrity and environmental stability of the Great Lakes; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to each member of the United States Congressional Delegation of the State of New York; to the Vice President of the United States in his capacity as President of the United States Senate; to the Speaker of the United States House of Representatives; to the Clerk of the United States House of Representatives; to the Secretary of the United States Senate; and to the Administrator of the United States Environmental Protection Agency.

POM–583. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the proposed ''Solid Waste Interstate Transportation and Local Authority Act''; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION NO. 385

Whereas, recent reports issued by the Department on Environmental Quality reveal that Virginia is currently the second largest importer of municipal solid waste from other states in the nation, second only to Pennsylvania, and is currently importing approximately four million tons of municipal solid waste from other states; and

Whereas, the amount of municipal solid waste being imported into Virginia from other states is expected to increase in coming years due to the impending closure of the Fresh Kills Landfill in New York; and

Whereas, the importation of significant amounts of municipal solid waste from other states is prematurely exhausting Virginia's limited landfill capacity; and

Whereas, the importation of significant amounts of municipal solid waste from other states has created many short-term environmental problems for Virginia as a result of an increase in the number of garbage trucks on its roads and an increase in the number of garbage barges on its rivers; and

Whereas, the importation of significant amounts of municipal solid waste from other states creates serious long-term environmental problems for Virginia; and

Whereas, the importation of significant amounts of municipal solid waste from other states is inconsistent with Virginia's efforts to promote the Commonwealth as a national and international destination of tourism and high-tech economic development; and

Whereas, the Commerce Clause of the United States Constitution and the interpretation and application of the Commerce Clause by the United States Supreme Court and other federal courts with respect to interstate solid waste transportation have left Virginia and other states with limited alternatives in regulating, limiting or prohibiting the importation of municipal solid waste from other states; and

Whereas, it is the belief of the General Assembly of Virginia that state and local governments should be given more authority to control the importation of municipal solid waste into their jurisdictions; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to enact the Solid Waste Interstate Transportation and Local Authority Act of 1999 (HR 1190) that gives state and local governments additional authority to regulator the importation of municipal solid waste into their jurisdictions; and be it

Resolved Further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–584. A joint resolution adopted by the Legislature of the State of California relative to homelessness; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 39

Whereas, Homelessness has been steadily increasing for several years and constitutes, especially for the mentally ill, an archaic form of human misery that can no longer be tolerated in this, the world's greatest and most responsive democracy; and

Whereas, Homelessness creates a sizable drain on social and economic resources and is a frustration to legitimate commerce and an obstacle to community development; and

Whereas, Prevention of future homelessness will pay great dividends to American society that will more than justify the effort and costs of instituting a national plan for the homeless; and

Whereas, Health and social services, as well as welfare institutions, are now faced with the urgent necessity of creating new avenues of cooperation, coordination, and mutual support, and there is a nationwide need for new concentrations of community outreach, and active, aggressive provision of services, for the treatment and prevention of homelessness and of mental illness among the homeless; and

Whereas, A number of recent studies, all reliable, broadly-based, and conducted independently of one another, reveal that American homeless persons number over two and one-half million at any given time, and fall into one or more of the following general categories:

(a) Women and their children;

(b) The mentally ill;

(c) Military veterans;

(d) Drug and/or alcohol addicts;

(e) Parolees or probationers;

(f) HIV/Aids victims;

(g) Functionally illiterate persons or others with incomplete educations;

(h) Newly-evicted working poor; and

(i) Welfare recipients for whom aid has been reduced or curtailed; and

Whereas, The causes of homelessness are numerous and complex and therefore the cure cannot be simplistic and cannot exclusively address any single issue or causative factor; and

Whereas, Due to a lack of resources, many local governments, particularly cities and counties throughout the State of California and nationwide, have increasingly relied upon law enforcement or the enactment or enforcement of municipal codes and ordinances to address the behavioral aspects of homelessness. This approach has resulted in public policy that focuses on a person's status as homeless, instead of focusing on the obstacles that need to be overcome to solve the problem of homelessness; and

Whereas, It is absolutely necessary that any meaningful, comprehensive plan for the eradication or significant reduction of homelessness be instituted at the federal level because successful local model projects will not achieve permanence and uniform consistency unless they are integrated into a national strategy; and

Whereas, The number of homeless men, women, and children throughout the United States is increasing at an alarming rate; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature calls for, endorses, and supports a comprehensive national plan to end homelessness, and urges the President of the United States, Congress, and other relevant federal agencies to develop and implement a comprehensive plan to end homelessness; and be it further

Resolved, That the President of the United States is requested to convene a National Commission on Homelessness, nonpartisan and broadly representative in composition, with the specific mission of developing a comprehensive strategic plan for addressing homelessness, its causes, and its prevention nationwide; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–585. A resolution adopted by the Legislature of the State of California relative to Ryan White CARE Act; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 47

Whereas, In California, as of January 1, 1999, more than 110,000 individuals have been infected with the expanding pandemic known as acquired immune deficiency syndrome (AIDS); and

Whereas, The State of California created an Office of AIDS within the State Department of Health Services to proactively address issues relating to the human immunodeficiency virus (HIV) and AIDS; and

Whereas, This office directly administers the expenditure of federal and state funds to combat the disease; and

Whereas, Due to advancements in pharmaceutical therapies and an increasing focus on early intervention and treatment, the number of individuals living with HIV has grown significantly; and

Whereas, For many, the progression from HIV to an AIDS diagnosis has slowed considerably as a result of these therapies; and

Whereas, It is estimated that more than 44,000 California residents are currently living with AIDS, 15 percent of the nationwide total of 288,000; and

Whereas, It is estimated by the Centers for Disease Control and Prevention that there are 40,000 new HIV infections annually in the United States and that California accounts for one-fifth, or 8,000, of these infections; and

Whereas, Approximately one-third of Californians with HIV disease are unaware of their diagnosis and tens of thousands of individuals know they are HIV-positive but are not receiving care regularly; and

Whereas, The number of annual AIDS deaths in California dropped 51 percent between 1996 and 1997; however, between 1997 and 1998, deaths dropped by only 27 percent; and

Whereas, HIV/AIDS in California has a significant impact on communities of color, gay and bisexual men, and women, as well as low-income and other underserved communities; and

Whereas, As many as one-half of new HIV infections occur in people under the age of 25 years; one in four are in young people under age 22 years; and

Whereas, Increasingly, some individuals with HIV disease have also been diagnosed with substance abuse or mental illness; and

Whereas, Substance abuse is a factor in well over 50 percent of new HIV infections in some cities; and

Whereas, California looks to the federal government to assist the state in meeting the expanding health care and social service needs of people living with HIV disease; and

Whereas, The Ryan White Comprehensive AIDS Resources Emergency (CARE) Act (42 U.S.C. Sec. 300ff et seq.) was first adopted by the Congress in 1990; and

Whereas, The Ryan White CARE Act expires on September 30, 2000; and

Whereas, Since its inception, the Ryan White CARE Act has ensured the delivery of medical care and treatment as well as essential support services to tens of thousands of Californians including medical examinations, laboratory procedures and evaluations, drug therapy, dental care, case management, home health and hospice care, transportation, housing, legal assistance, benefits education and assistance, treatment education and adherence, nutrition therapy, and mental health and substance abuse counseling; and

Whereas, Under federal law, the Ryan White CARE Act is designated as the provider of last resort; therefore, it is recognized as a critical safety net program for low-income, uninsured, or underinsured individuals; and

Whereas, The federal budget for the 2000 fiscal year contains increased funding for the Ryan White CARE Act, a significant portion of which is dedicated to California; and

Whereas, Title I of the Ryan White CARE Act currently provides emergency assistance to the 51 United States metropolitan areas most heavily impacted by the AIDS epidemic, of which nine are in California, the most in the United States; and

Whereas, The Ryan White CARE Act has enabled local communities receiving Title I funding to tailor the delivery of services that best meet the needs of their residents who are affected by HIV/AIDS; and

Whereas, California receives funding under Title II of the Ryan White CARE Act for care and treatment and social services, a significant portion of which pays for life-extending and life-saving pharmaceuticals under California's AIDS Drug Assistance Program (ADAP); and

Whereas, Title III of the Ryan White CARE Act provides funding to public and private nonprofit entities for outpatient early intervention and primary care services; and

Whereas, Title IV of the Ryan White CARE Act has focused on women, children, youth, and families, and has increased access to medical care and support services for persons under 25 years of age living with HIV or AIDS; and

Whereas, The Ryan White CARE Act Dental Reimbursement Program (Title VI) reimburses eligible dental schools and postdoctoral dental education programs for the reported, uncompensated costs of oral health care to people living with HIV; and

Whereas, The goal of the Ryan White CARE Act Special Projects of National Significance (SPNS) Program (Title VI) is to advance knowledge about the care and treatment of persons living with HIV/AIDS by providing time-limited grants to assess models for delivering health and support services, and SPNS projects have supported the development of innovative service models for HIV care to provide health and social services to communities of color and hard-to-reach populations in California; and

Whereas, A network of 14 regional AIDS Education and Training Centers (AETCs), along with local performance sites, were funded under Title VI of the Ryan White CARE Act; and

Whereas, These AETCs train clinical health care providers, provide consultation and technical assistance, and disseminate ever-changing information to health care professionals on the effective management of HIV infection; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature affirms its support of the Ryan White CARE Act, and urges the Congress and the President of the United States to expeditiously reauthorize the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act in order to ensure that the expanding medical care and support service needs of individuals living with HIV disease are met; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Senate Majority and Minority Leaders, the Speaker of the House of Representatives and the House Minority Leader, the Chairpersons and ranking minority members of the Senate Health, Education, Labor and Pensions, Appropriations, and Budget Committees, to the Chairpersons and ranking minority members of the House Commerce, Appropriations, and Budget Committees, and to each Senator and Representative from California in the Congress of the United States.

POM–586. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to an autism working group; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 74

Whereas, autism results in severe problems in communication, social interaction, and impulse control disorders, including repetitive and sometimes bizarre actions and interests; and

Whereas, according to estimates from the National Institute of Mental Health, autism affects as many as two in every one thousand Americans; and

Whereas, families are often devastated by the effects of dealing with children with autism; and

Whereas, according to information from the National Institute of Mental Health, lack of a common diagnostic scheme from autism, which is critical for comparing research data, has posed a major challenge to science; and

Whereas, current research on autism is inconclusive as to its causes and treatment, and there is no biological test to confirm its diagnosis; and

Whereas, at the present time, there is no specific biological marker for autism and no cure; and

Whereas, the cost of health and educational services to those affected by autism exceeds three billion dollars per year, according to estimates from the National Institute of Mental Health; and

Whereas, the National Institutes of Health has as its mission health research to promote the general welfare of the citizens of the United States. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to take such actions as are necessary to commission the National Institutes of Health to assemble an autism working group to update its 1997 research report on the causes, diagnosis, and treatment of autism. Be it further

Resolved, That such working group shall be composed of distinguished scientists for the purpose of assessing the state of science in autism and related areas by assembling the disciplines, expertise, and subject populations needed to address scientific questions beyond the resources of a single investigator or research team. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America, each member of the Louisiana congressional delegation, the directors of the National Institutes of health, the National Institute of Child Health and Human Development, the National Institute on Deafness and other Communication Disorders, the National Institute of Mental Health, and the National Institute of Neurological Disorders and Stroke.

POM–587. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to high quality health care; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 81

Whereas, an immediate health care crisis exists in the United States and in the state of Louisiana; and

Whereas, citizens of our state and nation are sometimes denied access to necessary health care services due to the financial practices of health maintenance organizations and other managed care entities, the utilization of managed care by health insurers, and the lack of adequate medical facilities in many communities nationwide; and

Whereas, the guiding principles of United States health care policy, as provided in the Hill-Burton Act, 42 U.S.C. 291 et seq., have been steadily undermined by the concept of managed health care; and

Whereas, a primary purpose of the Hill-Burton Act is to assist states in ''furnishing adequate hospital, clinic, or similar services to all their people'' by tying certain federal funding to commitments by health care facilities ''to make available a reasonable volume of services to persons unable to pay therefor''; and

Whereas, the state of Louisiana, as a result of its climate and geographical location, is not only a crossroads for international trade and commerce but also subject to a range of threats to the public health, as indicated by

Louisiana being placed on the ''watch list'' for dengue fever, which potentially compound the already existing public health crisis; and

Whereas, the current health care delivery system in Louisiana, including the Department of Health and Hospitals and the state's charity hospital system, is currently unable to fulfill the full health care needs of all of this state's residents; and

Whereas, under the preamble to the Constitution of the United States, the federal government is required to ''promote the general welfare'', which thus necessitates action by the federal government to address the current health care crisis; and

Whereas, the United States is rightfully a signatory to international declarations and covenants, including the Universal Declaration of Human Rights of the United Nations, which establish the universal right to adequate health care and require governments to take steps to assure access to quality medical health care. Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to establish and affirm that every citizen of this nation has the right to high quality health care. Be if further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the house of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–588. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to integration of people with disabilities; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION 24

Whereas, thousands of people with disabilities live in New Hampshire; and

Whereas, the overwhelming majority of people with disabilities want the right to choose where they live and to receive support services; and

Whereas, the overwhelming majority of people with disabilities want to live and receive support services in home and community settings; and

Whereas, many people with disabilities are on waiting lists for home and community services; and

Whereas, the Americans with Disabilities Act (ADA) was passed as a civil rights act to protect the rights of people with disabilities; and

Whereas, the ADA's ''integration'' mandate requires that a public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the State of New Hampshire supports the integration requirement of the Americans with Disabilities Act; and

That the governor and mayors remove themselves from any filing of any future lawsuit by the National Governors' Association or National League of Cities that opposes the integration requirement in the Americans with Disabilities Act; and

That copies of this resolution signed by the speaker of the house of representatives and the president of the senate be forwarded by the house clerk to the Speaker of the United States House of Representatives, to the President of the United States Senate, and to the members of the New Hampshire congressional delegation.

POM–589. A resolution adopted by the General Assembly of the State of New Jersey relative to private long-term care insurance programs; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY RESOLUTION NO. 72

Whereas, A private long-term care insurance market has begun to develop in New Jersey, although it is still very limited, as it is nationwide, because of the high cost of purchasing such coverage; and

Whereas, The issue of private long-term care insurance has begun to receive increasing attention among both federal and state policymakers, as reflected by the federal ''Health Insurance Portability and Accountability Act of 1996,'' Pub.L. 104–191, which extended the federal income tax deduction allowed for the payment of standard health insurance plan premiums and medical expenses to the payment of premiums for federally qualified long-term care insurance plans, and also required these plans to satisfy certain consumer protection provisions endorsed by the National Association of Insurance Commissioners with respect to disclosure, nonforfeitability, guaranteed renewal and noncancellability; and

Whereas, Widespread interest has been reported in the asset protection feature of the New York State Partnership for Long-Term Care, which is designed to assist residents of that state in planning for the cost of long-term care and is funded in part by a grant from the Robert Wood Johnson Foundation; and

Whereas, The unique features of the New York State Partnership program are that, if a person exhausts his benefits under an approved long-term care insurance policy, the person can apply for Medicaid without regard to the type or amount of assets the person may have; and, unlike the regular Medicaid program which imposes limits on the amount of assets an eligible person may have in order to qualify for benefits and seeks recovery from a person's estate for the cost of benefits received, the Partnership program sets no such limits and does not require the person's estate to repay the Medicaid program benefits received for and;

Whereas, The New York State Partnership program and similar partnerships in California and Connecticut were established prior to the federal ''Omnibus Budget Reconciliation Act of 1993,'' Pub.L. 103–66, known as OBRA '93 which requires that all states pursue liens and recoveries from the estates of Medicaid recipients who received long-term care services; and

Whereas, The effect of OBRA '93 was to nullify the asset protection feature of the partnerhip program for other states such as New Jersey that might wish to replicate there programs, since the programs established prior to OBRA '93 were permitted to continue as developed but additional states could not offer the asset protection incentive; and

Whereas; The establishment by additional states of private long-term care insurance programs with asset protection features similar to the New York State Partnership for Long-Term Care could stimulate the development of an expanded private long-term care insurance market which would relieve the financial pressures on the Medicaid program associated with funding long-term care, while also assisting many of those elderly and disabled persons who deplete their life savings paying for long-term care in order to qualify for Medicaid coverage of their long-term care costs; and, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This House respectfully memorialized the Congress and President of the United States to enact statutory provisions which would permit additional states to establish private long-term care insurance programs with asset protection features similar to the New York State Partnership for Long-Term Care, in order to stimulate the development of an expanded private long-term care insurance market nationwide.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly, shall be transmitted to the United States Secretary of Health and Human Services, the presiding officers of the United States Senate and House of Representatives, and each of the members of the United States Congress elected from the State of New Jersey.

POM–590. A joint resolution adopted by the Senate of the General Assembly of the State of Tennessee relative to the Occupational Safety and Health Administration's proposed ergonomic standards; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 610

Whereas, Tennessee has enacted a comprehensive workers' compensation system with incentives to employers to maintain a safe workplace, to work with employees to prevent workplace injuries, and to compensate employees for injuries that occur; and

Whereas, Section 4(b)(4) of the Federal Occupational Safety and Health Act, 29 U.S.C. §653(b)(4), provides that ''Nothing in this chapter shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment.''; and

Whereas, The Occupational Safety and Health Administration (''OSHA''), notwithstanding this statutory restriction and the constitutional, traditional and historical role of the states in providing compensation for injuries in the workplace, has nevertheless published a proposed rule that, if adopted, would substantially displace the role of the states in compensating workers for musculoskeletal injuries in the workplace and would impose far-reaching requirements for implementation of ergonomics programs; and

Whereas, The proposed rule creates in effect a special class of workers' compensation benefits for ergonomic injuries, requiring payment of up to six months of wages at ninety percent (90%) of take-home pay and one hundred percent (100%) of benefits for absence from work; and

Whereas, The proposed rule would allow employees to bypass the system of medical treatment provided by Tennessee law for workers' compensation injuries and to seek diagnosis and treatment from any licensed health care provider paid by the employer; and

Whereas, The proposed rule would require employees to treat ergonomic cases as both workers' compensation cases and OSHA cases and to pay for medical treatment under both; and

Whereas, The proposed rule could force all manufacturers to alter workstations, redesign facilities or change tools and equipment, all triggered by the report of a single injury; and

Whereas, The proposed rule would require all American businesses to become full-time experts in ergonomics, a field for which there is little if any credible evidence and as to which there is an ongoing scientific debate; and

Whereas, The proposed rule would cause hardship on businesses and manufacturers with costs of compliance as high as eighteen billion dollars ($18,000,000,000) annually, without guaranteeing the prevention of a single injury; and

Whereas, The proposed rule may force businesses to make changes that would impair efficiency in distribution centers; and

Whereas, This proposed rule is premature until the science exists to understand the root cause of musculoskeletal disorders, OSHA should not rush to make rules that are likely to result in a loss of jobs without consensus in the scientific and medical communities as to what causes repetitive-stress injuries, and medical researchers must answer fundamental questions surrounding ergonomics before government regulators impose a one-size-sits-all solution; now, therefore, be it

Resolved by the Senate of the One Hundred First General Assembly of the State of Tennessee, the House of Representatives Concurring, That this General Assembly hereby memorializes the United States Congress to take all necessary measures to prevent the proposed ergonomics rule from taking effect. Be it further

Resolved, That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives; the President and the Secretary of the United States Senate; and to each member of the Tennessee Congressional delegation.

POM–591. A joint resolution adopted by the General Assembly of the State of Virginia relative to federal medical and long-term care benefits; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT RESOLUTION NO. 168

Whereas, throughout our nation's history, older generations of Americans have contributed greatly to the prosperity of the United States; and

Whereas, older Americans have always recognized the value of the economic freedoms that our forefathers fought to ensure; and

Whereas, older Americans have always been leaders in the realms of business and industry, serving as mentors and teachers to ensure that younger generations would have the knowledge and skills to carry on; and

Whereas, throughout their toil and enduring commitment to the principles of freedom, older Americans have laid the foundation for the economic prosperity and financial security of all Americans; and

Whereas, during the early years of the twentieth century, the current generation of older Americans worked hard to ensure that their families and communities could continue to enjoy this financial security for generations to come; and

Whereas, they endured the struggle of the Great Depression, undergoing countless hardships as they rebuilt this nation by the sweat of their brows both economically and spiritually; and

Whereas, they fought in wars to preserve the liberties that have enabled our nation to earn its place as the economic leader in the world; and

Whereas, throughout those hardships, the current generation of older Americans learned to appreciate the importance of preserving assets, including homes, land, durable goods, and ''nest eggs,'' they had managed to hold onto despite the economic challenges they had faced; and

Whereas, today these personal assets help them maintain the dignity, independence, and health they so cherish as Americans; and

Whereas, with nursing home care now costing an average of $40,000 to $50,000 per year, long-term care expenses can have a catastrophic effect on families, wiping out a lifetime of savings; and

Whereas, steps need to be taken into inform the public about the financial risks posed by rapidly increasing long-term care costs and about the need of families to plan for their long-term care; and

Whereas, the federal laws governing the rules of qualification for federal medical and long-term care benefits force many older Americans to liquidate their assets, including their homes and life savings; and

Whereas, these confiscatory policies impose unjust and inequitable burdens on older Americans, who have contributed so much to our economic security; and

Whereas, widespread use of private long-term care insurance has the potential to protect families from the catastrophic costs of long-term care services while, at the same time, easing the burden on the federal government to provide medical and long-term care benefits; now, there, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the Unites States be urged to protect senior assets from liquidation to meet the eligibility requirements for federal medical and long-term care benefits; and, be it

Resolved further, That the Congress of the United States be urged to ensure that persons who purchase long-term insurance policies will be able to protect their assets equal in value to the policy purchased; and, be it

Resolved finally, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–592. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to gasoline prices; to the Committee on Energy and Natural Resources.

POM–593. A joint resolution adopted by the General Assembly of the State of Colorado relative to the Old Spanish Trail; to the Committee on Energy and Natural Resources.

SENATE JOINT MEMORIAL 00–002

Whereas, The Old Spanish Trail, which ran between Santa Fe, New Mexico, and Los Angeles, California, was the first trail into Utah and is still the least known; and

Whereas, Frontiersmen and traders en route from Santa Fe to Los Angeles blazed a circuitous route to the north through Utah; and

Whereas, Between 1839 and 1848, a major trade route was established between Santa Fe and Los Angeles which stretched approximately 1,121 miles; and

Whereas, The Old Spanish Trail and the northern branch of the Old Spanish Trail proceeded through much of western Colorado and followed part of the route traveled by the Dominguez-Escalante Expedition of 1776; and

Whereas, In 1853, Captain John Williams Gunnison of the U.S. Corps of Topographic Engineers was commissioned by the war department to find a route for a railroad through the Colorado Rockies along the 38th parallel; and

Whereas, During his expedition, Captain Gunnison came upon the northern branch of the Old Spanish Trail in the San Luis Valley, which he followed into eastern Utah; and

Whereas, The federal government's Salt Lake Wagon Road followed portions of the Old Spanish Trail at the northern branch to bring supplies to the Los Pinos Indian Agency in the Uncompahgre Valley and the budding mining camp of Ouray, Colorado, in the late 1870's; and

Whereas, The Old Spanish Trail and its northern branch was instrumental in the creation and establishment of many of western Colorado's towns and communities, including Alamosa, Monte Vista, Saguache, Gunnison, Montrose, Olathe, Delta, Whitewater, Grand Junction, Fruita, Loma, Pagosa Springs, Durango, Mancos, Dolores, and Dove Creek; and

Whereas, Very little information is recorded about the northern branch and much more can be learned about the Old Spanish Trail; and

Whereas, Beginning with the northern branch of the Old Spanish Trail in the 1830's and 1840's, followed by the Gunnison Expedition of 1853 and the Salt Lake Wagon Road of the late 1870's, the Grand Valley of western Colorado has been the site of an historic route for travelers; now, therefore, be it

Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the Congress of the United States is hereby memorialized to adopt legislation that dedicates the Old Spanish Trail and the northern branch of the Old Spanish Trail as an historic trail. Be it further

Resolved, That copies of this Joint Memorial be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Colorado congressional delegation.

POM–594. A resolution adopted by the Legislature of the Commonwealth of Guam relative to Guam Memorial Hospital; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 308

Whereas, Guam's economy has been in a prolonged recession for several years as a result of the Asian economic crisis and a reduction of military spending on Guam, resulting in drastically reduced government revenues; and

Whereas, large numbers of medically indigent individuals have been receiving free health care at the Guam Memorial Hospital, which the Hospital cannot afford to provide; and

Whereas, for humanitarian reasons the Guam Memorial Hospital is in need of assistance from the United States Federal Government in providing health care services to those medically indigent individuals who are on Guam as a result of Federal legislation; now therefore, be it

Resolved, That I MináBente Singko Na Liheslaturan Guåhan (''the Twenty-Fifth Guam Legislature'') does hereby, on behalf of the people of Guam, respectfully request assistance from President William Jefferson Clinton, the United States Congress, and the United States Surgeon General in taking one (1) of the following actions:

(1) establishing a small National Public Health Service Hospital on Guam for the purpose of providing health care to medically indigent patients who receive free health care and are on Guam because of Federal law;

(2) providing to the Guam Memorial Hospital additional doctors and nurses through the National Public Health Service for the purpose of providing health care to medically indigent patients who receive free health care and are on Guam because of Federal law; or

(3) appropriating Four Million Dollars ($4,000,000) annually to the Guam Memorial Hospital to defray the costs of providing health care to medically indigent patients who receive free health care and are on Guam because of Federal law; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable William Jefferson Clinton, President of the United States; to the Honorable Albert Gore, Jr., President of the U.S. Senate; to the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; to the Honorable Donna E. Shalala, U.S. Secretary of Health and Human Services; to the Honorable David Satcher, U.S. Surgeon General; to the Honorable Robert A. Underwood, Member of Congress, U.S. House of Representatives; and to the Honorable Carl T. C. Gutierrez, I Magâlahen Guåhan (''the Governor of Guam'').

POM–595. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the Outer Continental Shelf; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 13

Whereas, the government of the United States receives revenues from rent, royalties, net profit share payments, and related late payment penalties from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act; and

Whereas, these leases are for tracts or portions of tracts lying seaward of the zone defined and governed by Section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)), or lying within such zone but to which Section 8(g) does not apply, the geographic center of which lies within a distance of two hundred miles from any part of the coastline of Louisiana as defined by Section 304(4) of the Coastal Zone Management Act of 1972 (U.S.C. 1453(4)); and

Whereas, there are over four thousand five hundred offshore oil and gas rigs and platforms off the coast of Louisiana and on the Outer Continental Shelf (OCS), with such structures representing over ninety-five percent of all offshore structures in the world; and

Whereas, these offshore structures support and impact an abundant commercial and recreational fishery along an intricate coastline which is in excess of seven thousand miles long; and

Whereas, the enforcement division of the Louisiana Department of Wildlife and Fisheries is charged with the responsibility for the enforcement and regulation of Louisiana's marine fishing industry which, with recreational fishing and commercial fishing activities combined, constitutes an industry with a total economic impact on the state of $3.6 billion annually through landings of over one billion pounds and direct employment of over forty thousand people; and

Whereas, a well-regulated, well-managed, and well-monitored Outer Continental Shelf region and a well-regulated, well-managed, and well-monitored coastline of Louisiana are of benefit to the uninterrupted operation and maintenance of the oil and gas industry in the Gulf of Mexico; and

Whereas, a continuing dependable source of funds for the operation of the enforcement division of the Louisiana Department of Wildlife and Fisheries would ensure the continuation of efforts to secure the Outer Continental Shelf region of the Gulf of Mexico and the coastline of Louisiana for both the oil and gas industry and the fishing industry; therefore be it

Resolved, That the U.S. Congress and the Louisiana congressional delegation are hereby memorialized to provide funding from revenues received from oil and gas activity on the Outer Continental Shelf (OCS) to the Louisiana Department of Wildlife and Fisheries for state enforcement of the wildlife and fisheries laws; be it further

Resolved, That a copy of this Resolution be forwarded to the presiding officers of the U.S. Senate and the U.S. House of Representatives and each member of the Louisiana congressional delegation.

POM–596. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the increase in gasoline prices; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 189

Whereas, the United States Environmental Protection Agency and the United States Department of Energy report that there are adequate gasoline supplies to keep prices in check. Further, 87 percent of the service stations in Michigan recently surveyed by the American Automobile Association report that they expect to have adequate gasoline supplies this summer; and

Whereas, Profits of the world's largest oil-producing companies tripled in the first three months of the year. Financial analysts predict that the companies will earn more revenue this year than ever before; and

Whereas, In the biggest weekly jump since 1973, when such statistics were first recorded, gasoline prices have soared in June. As of June 13, 2000, the statewide average cost per gallon was $2.01, a 27-cent per gallon increase since the previous week. That was 87-cents per gallon higher than the same time last year. In Metro Detroit, as of the same date, the average cost per gallon was $2.04, which was 40-cents higher than the previous week and 92-cents per gallon more than the same time last year; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to investigate the rapid increase in gasoline prices and to take immediate action; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–597. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to investigating the factors responsible for reduced gasoline supplies; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 191

Whereas, The recent surge in gasoline prices nationwide has shocked consumers. The federal government has struggled to find remedies for this new and unexpected burden. Matters relating to the federal role in regulating commerce, new foreign demand for oil as overseas economies recover from economic crises, and the decision by oil producing nations to reduce output have contributed to this situation. Even the federal government will face limits on what it can do to influence global circumstances; and

Whereas, Although the rise in gasoline prices is a national problem, gasoline prices in Michigan are amongst the highest in the nation. As families here and around the country plan their vacations, the cost of gasoline may well harm Michigan's tourism industry as people seek locales closer to home. The state's automobile industry is bound to suffer if unreasonably high gasoline prices persist as will the agricultural sector. Michigan consumers have been economically overwhelmed by the near-doubling of the retail price of a gallon of gasoline within the last year. For those living paycheck to paycheck, purchasing fuel just to make it to work is difficult; and

Whereas, Despite the global factors that have contributed to the tremendous increase in gasoline prices, a number of measures at the national level may provide some relief until global circumstances become more favorable. Identifying why gasoline stockpiles were allowed to fall so low, examining the impact of new regulations requiring cleaner-burning fuel, and exploring ways of using the Strategic Petroleum Reserve are issues that Congress should explore; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to investigate the factors responsible for reduced gasoline supplies and the recent increases in retail gasoline prices; and be if further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–598. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to initiating a study to determine the cause of the recent gasoline price surge; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 192

Whereas, Gasoline prices have doubled in recent months from their levels of 1999. The prices in Michigan and other areas of the Midwest surpass the national increases by wide margins. Consumers have been shocked and their lives disrupted by this tremendous increase. Motor vehicles are part of the fabric of our culture and economy and any disruptions in our ability to keep the wheels rolling are cause for deep concern; and

Whereas, No single event has prompted our present situation. Instead, separate events and decisions occurring in our own backyard and around the globe have combined to drive prices to levels that are unacceptable if we are to maintain a strong and vibrant economy. The causes are murky, and the measures needed to reduce prices and prevent rapid price surges are not clear. We have repaired a pipeline and restored the flow of gasoline in Michigan, but how do we address the cause of a shortage of fuel for Michigan gas stations?; and

Whereas, It is reported that major oil companies have an abundant supply of gasoline while independent dealers are being cut off from adequate supplies. Only when all dealers have normal access to gasoline supplies will competition be reintroduced and will no single wholesaler monopolize supply and pricing. The United States Congress, as the chosen representatives of the American people, must step forward to investigate this issue in order to prevent another price surge. Without a complete grasp of the complex factors involved, we will be unable to cope with similar problems in the future and will instead simply place our trust in fate and the good will of others; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to initiate a study to determine the causes of the recent gasoline price surge; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 2705: A bill to provide for the training of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes (Rept. No. 106–348).

By Mr. DOMENICI, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 4733: A bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001'' (Report No. 106–346).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Government Performance and Results Act of 1993'' (Report No. 106–347).

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. LOTT:

S. 2883. A bill to suspend temporarily the duty on piano plates; to the Committee on Finance.

By Mr. GRAMS:

S. 2884. A bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes; to the Committee on Finance.

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

S. 2885. A bill to establish the Jamestown 400th Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAMM (for himself and Mr. SCHUMER):

S. 2886. A bill to provide for retail competition for the sale of electric power, to authorize States to recover transition costs, and for other purposes; read the first time.

By Mr. GRASSLEY (for himself, Mr. ROBB, Ms. COLLINS, and Mr. DASCHLE):

S. 2887. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND , Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 338. Resolution relative to the death of the Honorable Paul Coverdell, a Senator from the State of Georgia.; considered and agreed to.

By Mr. ROTH:

S. Con. Res. 131. A concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that lead to the creation of the independent trade union Solidarnose, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT:

S. 2883. A bill to suspend temporarily the duty on piano plates; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON PIANO PLATES

Mr. LOTT. Mr. President, I rise today to introduce legislation temporarily suspending duties on imports of certain piano plates. This legislation is needed to address a difficult situation facing the domestic piano industry.

A piano plate is an essential part of a piano. It is the iron casting over which the strings are stretched and tuned by pins inserted in the plate. Baldwin Piano & Organ Company, which employs more than 600 workers in the production of pianos in Arkansas and Mississippi, is one of a diminishing number of piano producers in the United States. Piano plates are produced in the United States by a single company, a competitor of Baldwin, whose production is for the most part captively consumed. As such, Baldwin lacks a domestic source for piano plates, other than the surplus production of one of its competitors. Due to its own demand for plates, Baldwin's competitor cannot meet Baldwin's requirements.

Mr. President the history and recent contraction in the domestic piano industry points to the critical need for this legislation. Indeed, were the production of Baldwin or other domestic producers to be curtailed due to the insufficient availability of domestically-produced piano plates, it is likely that this would engender an increase in foreign piano supply, rather than an increase in market share of other domestic producers. This is evident from the fact that, in the early 1980s, there were 15 domestic piano producers supplying approximately 80 percent of U.S. consumption, whereas now only nine domestic producers remain—servicing approximately half, if not less, of the U.S. market. The domestic piano industry is well aware that foreign production stands ready to fill any gap in domestic supply.

The legislation I am introducing today would temporarily suspend, through the year 2004, the rate of duty applicable to imports of piano plates provided for in subheading 9209.91.80 of the Harmonized Tariff Schedule of the United States. Currently, the applicable rate of duty is 4.2 percent ad valorem. If the legislation is approved, the reduction in duty collection is estimated to be between $300,000 and $400,000 per year through 2004.

Given the situation currently facing domestic piano producers, it is unlikely that there will be objection from other domestic manufacturers to the legislation proposed today. In view of the fact that Baldwin must resort to imported plates regardless of the duty rate applicable to such imports, and that no appreciable domestic production of piano plates will be displaced by imports, suspension of the duty rate will have no adverse affect upon the domestic industry. This legislation stands to ensure only that a U.S. piano producer will find a reliable source of supply for a critical component and thus will be better positioned to stand with other domestic producers in providing a secure and stable supply of pianos for the domestic market.

I ask that the text of the bill be printed in the RECORD.

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

S. 2883

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

SECTION 1. PIANO PLATES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new item:

''	9902.92.09	Piano plates (provided for in subheading 9209.91.80)	Free	No change	No change	On or before 12/31/2004	''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. GRAMS:

S. 2884. A bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes; to the Committee on Finance.

SMALL ETHANOL PRODUCER CREDIT

Mr. GRAMS. Mr. President, I rise today to introduce legislation to allow farmer-owned cooperatives access to the small ethanol producer tax credit. Mr. President, current law provides for an income tax credit of 10 cents per gallon for up to 15 million gallons of annual ethanol production by a small ethanol producer. A small ethanol producer is one defined as having a production capacity of less than 30 million gallons per year. The credit was enacted as part of the Omnibus Budget Reconciliation Act of 1990 and championed by our former colleague, Senator Bob Dole. Unfortunately, the credit was enacted at a time when the growth and shape of the ethanol industry was still difficult to predict.

This situation has led to an unfortunate situation in Minnesota, Iowa, and in other areas where farmer-owned cooperatives have been unable to access the credit due to the way in which the original legislation was drafted. The original legislation certainly envisioned these small, farmer-owned cooperatives as being eligible for the tax credit, but the intricacies of the tax code have made it impossible for them to do so.

Mr. President, there are currently 22 cooperative ethanol plants in the United States. Twelve of them are located in Minnesota. Eleven of these Minnesota cooperatives involve over 5,000 farmers and their families. Minnesota cooperatives are able to produce roughly 189 million gallons of ethanol per year.

My legislation would simply provide a technical correction to ensure farmer-owned cooperatives are included in the definition of who can benefit from the small ethanol producer tax credit. My bill also expands the definition to include facilities with less than 60 million gallons in annual capacity.

I want to again stress that this proposal is consistent with the original intent of the 1990 law that created the small ethanol producer tax credit. Farmer-owned cooperatives were never intended to be excluded from receiving the benefits of the tax credit if they produce less than 30 million gallons. It was just hard to envision the role and growth of cooperatives when we passed the 1990 law. Cooperatives are not huge corporate ventures, but associations of small farmers.

Mr. President, the ethanol industry in Minnesota and across the country is one we should promote. Ethanol is a crucial product for rural America, for our nation as a whole, and especially for Minnesota. I'd like to point out just a few of ethanol's impressive benefits—environmentally and economically. According to the Minnesota Corn Growers, ethanol production boosts nationwide employment by over 195,000 jobs. Ethanol improves our trade balance by $2 billion and adds $450 million to state tax receipts. It reduces emissions from gasoline use and therefore helps us clean up the environment.

According to the American Coalition for Ethanol, more than $3 billion has been invested in 43 ethanol facilities in 20 states. Those investments have directly created 40,000 jobs and more than $12.6 billion in increased income over the next five years.

Minnesota is now home to over a dozen operating ethanol plants with a capacity of over 200 million gallons annually. These plants mean new jobs with good wages and good benefits for people living in rural areas where these plants are built. According to a report by the Minnesota Legislative Auditor, those plants, and the resulting economic activity, are expected to create as many as 5,000 new, high-wage jobs—including jobs in production, construction, and support industries.

In addition to its positive economic impact, ethanol production allows our nation to move away from our dependence on foreign energy sources. The United States Department of Agriculture estimates that for every gallon of ethanol produced domestically, we displace seven gallons of imported oil. Ethanol plays a role in increasing our national energy security by providing a stable, homegrown, renewable energy supply. Ethanol is estimated to reduce our demand for foreign oil by 98,000 barrels per day.

Those are just some of the reasons why I urge my colleagues to join me in allowing small, farmer-owned cooperatives to enjoy the full benefits of the small ethanol producer tax credit.

I want to thank Senator CHARLES GRASSLEY of Iowa for working with me on this important legislation. As everyone knows, Senator GRASSLEY has been a steadfast leader of efforts to promote tax relief for farmers and rural Americans. I'm proud to be working with him on this legislation.

I ask that the full text of my bill be printed in the RECORD.

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

S. 2884

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

SECTION 1. SMALL ETHANOL PRODUCER CREDIT.

(a) ALLOCATION OF ALCOHOL FUELS CREDIT TO PATRONS OF A COOPERATIVE.—Section 40(g) Internal Revenue Code of 1986 (relating to definitions and special rules for eligible small ethanol producer credit) is amended by adding at the end the following:

''(6) ALLOCATION OF SMALL ETHANOL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—

''(A) ELECTION TO ALLOCATE.—

''(i) IN GENERAL.—Notwithstanding paragraph (4), in the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year.

''(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

''(iii) SPECIAL RULE FOR 1998 AND 1999.—Notwithstanding clause (ii), an election for any taxable year ending prior to the date of the enactment of this paragraph may be made at any time before the expiration of the 3-year period beginning on the last date prescribed by law for filing the return of the taxpayer for such taxable year (determined without regard to extensions) by filing an amended return for such year.

''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to patrons under subparagraph (A)—

''(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year,

''(ii) shall be included in the amount determined under subsection (a) for the taxable year of each patron for which the patronage dividends for the taxable year described in subparagraph (A) are included in gross income, and

''(iii) shall be included in gross income of such patrons for the taxable year in the manner and to the extent provided in section 87.

''(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization (as so defined) determined under subsection (a)(3) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

''(i) such reduction, over

''(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this subpart or subpart A, B, E, or G.''.

(b) DEFINITION OF SMALL ETHANOL PRODUCER; IMPROVEMENTS TO SMALL ETHANOL PRODUCER CREDIT.—

(1) DEFINITION OF SMALL ETHANOL PRODUCER.—Section 40(g)(1) of the Internal Revenue Code of 1986 (relating to eligible small ethanol producer) is amended by striking ''30,000,000'' and inserting ''60,000,000''.

(2) SMALL ETHANOL PRODUCER CREDIT NOT A PASSIVE ACTIVITY CREDIT.—Clause (i) of section 469(d)(2)(A) of such Code (relating to passive activity credit) is amended by striking ''subpart D'' and inserting ''subpart D, other than section 40(a)(3),''.

(3) ALLOWING CREDIT AGAINST MINIMUM TAX.—

(A) IN GENERAL.—Subsection (c) of section 38 of such Code (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following:

''(3) SPECIAL RULES FOR SMALL ETHANOL PRODUCER CREDIT.—

''(A) IN GENERAL.—In the case of the small ethanol producer credit—

''(i) this section and section 39 shall be applied separately with respect to the credit, and

''(ii) in applying paragraph (1) to the credit—

''(I) subparagraphs (A) and (B) thereof shall not apply, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the small ethanol producer credit).

''(B) SMALL ETHANOL PRODUCER CREDIT.—For purposes of this subsection, the term 'small ethanol producer credit' means the credit allowable under subsection (a) by reason of section 40(a)(3).''.

(B) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) of such Code is amended by inserting ''or the small ethanol producer credit'' after ''employment credit''.

(4) SMALL ETHANOL PRODUCER CREDIT NOT ADDED BACK TO INCOME UNDER SECTION 87.—Section 87 of such Code (relating to income inclusion of alcohol fuel credit is amended to read as follows:

''SEC. 87. ALCOHOL FUEL CREDIT.

''Gross income includes an amount equal to the sum of—

''(1) the amount of the alcohol mixture credit determined with respect to the taxpayer for the taxable year under section 40(a)(1), and

''(2) the alcohol credit determined with respect to the taxpayer for the taxable year under section 40(a)(2).''.

(c) CONFORMING AMENDMENT.—Section 1388 of the Internal Revenue Code of 1986 (relating to definitions and special rules for cooperative organizations) is amended by adding at the end the following:

''(k) CROSS REFERENCE.—For provisions relating to the apportionment of the alcohol fuels credit between cooperative organizations and their patrons, see section 40(d) (6).''

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1997.

(2) CERTAIN PROVISIONS.—The amendments made by paragraphs (1) and (4) of subsection (b) shall apply to taxable years ending after the date of the enactment of this Act.

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

S. 2885. A bill to establish the Jamestown 400th Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

THE JAMESTOWN 400TH COMMEMORATION COMMISSION ACT

Mr. WARNER. Mr. President, today I introduce legislation to establish a federal commission to join the Commonwealth of Virginia in preparing for the 400th anniversary of the founding of the Jamestown settlement, the first permanent English settlement in the United States.

In a little more than six years, America will observe one of its most important anniversaries with the celebration of the Jamestown quadricentennial. On May 13, 1607, nearly five months after setting sail from London, a group of 104 English men and boys selected a site on the banks of Virginia's James River as their new home. Settling Jamestown was a momentous event in American history.

While the Spanish founded St. Augustine in Florida in the 1560's and the English attempted to colonize Roanoke Island in North Carolina in the 1580's, Jamestown was America's first successful, permanent European settlement. Jamestown is the birthplace of our nation, and is where representative government in the Americas began. The founding of Jamestown marks the beginning of what Alex de Toqueville described as the United States' ''great experiment'' in democracy.

The establishment of Jamestown remains a cornerstone event in American history because of the lasting traditions that the English brought with them, including the legacy of language and common law that have shaped our great republic for decades.

Celebrating the 400th Anniversary of Jamestown marks an important opportunity to remember and reflect on how our ancestors established Virginia: how they treated America's original inhabitants, the Indians, and how the slave trade was begun. While injustice is a major part of this historical legacy, it is also the legacy that marked the beginning of our rich cultural heritage that defines the United States today.

With the 2007 celebration we have a chance to properly remember a story—too often glossed over—of the ''darker side of the Jamestown legacy'' as one scholar has noted, ''a legacy of slavery; of warfare and conquest; of the displacement and decimation of Native Americans; of damage to the natural environment.''

The history of Jamestown is rich, complex, tragic and inspirational. Certainly, an important part of Jamestown's history is the beginning of the distinct American spirit of exploration and adventure. The Jamestown adventure led directly to the formation of the great American principles of rule of law, religious and political freedom and the rights of man. The establishment of these pillars of American government was, again, unique in the history of man and government. The United States stands today as the world's longest lived, continuous democratic republic in existence today.

The Jamestown story is also the story of the beginning of truly global commerce. Not only was the establishment of Jamestown a commercial venture, it was a venture that coincided with an emerging worldwide capitalism. The landing was one of many efforts by primarily western European countries to go beyond a country's boundaries in search of commercially important natural resources.

The English came to Virginia looking for economic gain, but found personal freedom. They quickly found that the British model of government was not well-suited to the challenges of the New World.

Americans have joined in celebrating Jamestown's founding with major events during the past two centuries, most recently in 1957. These occasions have been marked with parades to an eight-month international exposition.

The 2007 Jamestown celebration will allow us to learn from our past as we prepare for the future. It is a national event that deserves our national attention and commemoration. The commission will bring the many talents of noted historians and scholars together with the Commonwealth's plans to fully observe the Jamestown experiment and its lasting contributions to our society.

Mr. ROBB. Mr. President, I want to join my senior colleague today in introducing legislation that will establish a Federal commission to commemorate the founding of the English colony at Jamestown nearly 400 years ago. Jamestown, the first permanent English Colony in the new world, holds enormous significance for us as a nation. We are an English speaking nation and our laws are based on English law. The history of Jamestown is the earliest history of the United States, and our culture still reflects those beginnings.

Jamestown was the capitol of Virginia for 92 years and was the center of cultural activity for the new colony. The celebration of the 400th anniversary of the founding of Jamestown is important to Virginia, and the Nation. In order to ensure that the celebration be conducted in a way that all Americans can appreciate and share in the history of Jamestown, we propose to establish a federal commission that will assist in developing federal activities that will complement those programs and activities undertaken by the Commonwealth of Virginia.

Currently the Commonwealth of Virginia and the federal government, through the Department of Interior, work together at Jamestown to tell the story of the early colonial times. The commission will provide additional assistance, and coordination and will provide support for the scholarly research that is ongoing at the Jamestown site. The commission can help ensure that the celebration of our earliest history is accessible to a broad range of Americans, and not just those in the immediate vicinity of the original colony.

The authority for the Commission will terminate one year after the Jamestown celebration in 2007 and after completing a report on its activities. The report will not only tell the story of the Jamestown celebration, but will provide guideposts and information for national celebrations in the future. Having an end to the commission's work will ensure that the organization will not outlive its usefulness. The planning for this wonderful celebration has already begun, and so I ask for quick consideration of this legislation so that we can move forward together.

By Mr. GRASSLEY (for himself, Mr. ROBB, Ms. COLLINS, and Mr. DASCHLE):

S. 2887. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and

frontpay awards received on account of such claims, and for other purposes.

CIVIL RIGHTS TAX FAIRNESS ACT OF 2000

Mr. GRASSLEY. Mr. President, I rise today to introduce the Civil Rights Tax Fairness Act of 2000. I am being joined by Senator ROBB in this effort. Civil rights legislation has been in force throughout this country for nearly thirty years; its purpose being to provide real remedies to victims of discrimination.

The Civil Rights Tax Fairness Act restores certain remedies for victims of discrimination by eliminating taxes on emotional distress awards. This tax was incorporated into the Small Business Job Protection Act of 1996, making the taxation of awards received in discrimination cases involving back wages or non-physical injuries (including emotional distress) taxable. The result of the 1996 legislation was to discriminate against people involved in civil rights cases. People who received damage awards because of a bar-room brawl or slip-and-fall incident, often caused by simple negligence, get tax free awards. While, for similar types of psychological injuries caused by intentional discrimination the damages are taxed. The result of this taxation is that the attorneys and government make out better than the victims who had their rights violated.

A second part of The Civil Rights Tax Fairness Act changes the current law, which requires people who receive back pay awards in discrimination cases to be bumped up into a higher tax bracket. When back pay awards are received by a person in a case the IRS considers it taxable income to be taxed in the year it is received, even though the award received covers many years of lost wages. Currently no averaging of back pay awards is allowed, but The Civil Rights Tax Fairness Act attempts to address this problem. The act provides for income averaging of back pay awards, making it possible for the award to be taxed over the number of years it was meant to compensate.

The third area that The Civil Rights Fairness Act attempts to combat is the double taxation of attorneys' fees that takes place under current law. Presently individuals who receive awards end up having to include in that award their attorneys' fee. This fee can end up being larger than the actual award received by the plaintiff. The current tax implications in the law require the plaintiff to pay taxes on their award and on the attorneys fees received by their lawyer.

One real life example recently brought to my attention involves an Iowa citizen named Don Lyons. Mr. Lyons, a man attempting to do the honorable thing by helping out a co-worker with filing a sex discrimination complaint against their employer, was unjustly retaliated against. After prevailing in court and receiving a $15,000 remitted judgment, Mr. Lyons then had to deal with the present tax laws, which not only devoured his judgment, but required him to actually pay thousands of more dollars to the government in taxes.

First, Mr. Lyons had to pay taxes on the $15,000 he received as punitive damages from his employer. After he pays his taxes he is left with $9,533. However, when Mr. Lyons takes into account the taxes that he has to pay on the combination of his settlement and attorneys' fees, he ends up owing $67,791 in taxes. When you subtract the $9,533 Mr. Lyons had left from the initial judgment he ends up still owing the government $58,236 in taxes. Mr. Lyons attorney, Ms. Victoria L. Herring, also has to pay taxes on the fee she received for taking Mr. Lyons case. Mr. Lyons ends up paying taxes on money that he never even received, making him a good example of why it is important to pass The Civil Rights Tax Fairness Act and end double taxation. Everyone should agree that this is a extreme example of unfair taxation.

Mr. Lyons helped out a co-worker, was attacked by his employer, and received damages in a court of law. People count on the legal system to protect them and when their civil rights are violated the system needs to function properly. It is disheartening to learn that, in actuality, Mr. Lyons is going to be taken to the cleaners by the government tax system, and as a result, he ends up owing $58,236 to the government for the ''privilege'' of having won his retaliation case.

It seems to me that there is something fundamentally wrong with the law when it hurts the people it is supposed to protect. This being said, it is time to change the mistakes made in the past by passing the Civil Rights Tax Fairness Act 2000. This bill will go a long way toward helping out victims of discrimination by eliminating taxes on emotional distress awards, ending lump-sum taxation, and ending double taxation. The changing of the law will have positive effects on citizens like Mr. Lyons, allowing similar victims to keep more of their awards. At the same time, it will be beneficial for business, since they will be able to settle discrimination claims for lower settlements.

I ask unanimous consent to have printed in the record after my remarks the letter I received from Mr. Lyon's attorney, Victoria L. Herring. Ms. Herring does an outstanding job of quantifying and personalizing the importance of the Civil Rights Tax Fairness Act.

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

NOVEMBER 30, 1999.

Re Tax implications of civil rights litigation.

Senator CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.
Senator TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATORS: I write you as an attorney of long-standing in Des Moines and an Iowa citizen who represents other Iowans in employment-related matters. I write to bring to your attention a problem that you should know of (as legislation is now pending to cure the problem, H.R. 1997), but perhaps the effect of the present status of the law escaped you.

As you know, for some thirty years civil rights legislation has been in force in this country; that includes Title VII, the ADA, the ADEA, and other types of such statutes. As a part of the legislative effort to provide remedies to victims of discrimination, Congress also passed an attorney fees provision that entitles a successful plaintiff to have his or her attorney fees and expenses compensated by the losing defendant, subject to the trial court's discretion. Certainly, this legislation had a salutary effect in ending some of the worst vestiges of discrimination and seeing that the litigators were paid for their efforts as ''private attorneys general''. The United States Supreme Court has endorsed this concept in numerous cases.

What I now bring to your attention is the fact that all of this legislation has been rendered meaningless and, indeed, punitive against plaintiffs and their attorneys, by the Congress's passage in 1996 of the Small Business Protection Act and the various tax laws enacted by Congress over the years. I have a real life example to bring to your attention, in the hope that you will see how unfair and offensive is the present state of the law. In fact, in light of the law as it is today, it is entirely possible that no attorney in his or her right mind would take any plaintiff's civil rights case, and that no person in his or her right mind would undertake to litigate civil rights discrimination no matter how much they were harmed by such actions.

First, it is my understanding that the tax laws now require the payment of taxes upon any and all sums obtained in litigation or settlement that are not clearly related to ''personal physical injury''. As most (if not all) civil rights and discrimination cases brought under Title VII, the ADA, etc., rarely involve ''personal physical injury'', most (if not all) jury verdicts, judge awards and/or settlements are entirely taxable to the victim of discrimination. Perhaps that was truly the intent of Congress in its 1996 passage of the amendment to Internal Revenue Code Section 104. If so, then victims of discrimination certainly do owe taxes on whatever they might receive by way of verdict, judgment or settlement, and should pay those taxes. Of course, that frequently prevents settlements from occurring or raises the cost of the settlements, but that might also be within Congress's intent in passing the legislation. (That less than salutary effect of the 1996 amendment is one reason quite a variety of groups have supported the proposed bill, H.R. 1997, among them the U.S. Chamber of Commerce, NELA, the AARP, etc.) In any event, that is not the entire problem facing victims and litigators.

The most pernicious problem and one which causes me to write to you is the combined effect of the above legislation coupled with other laws of Congress, court cases and IRS regulations. The effect is to cause any and all lawyers who might wish to advocate for plaintiffs who have been harmed by discrimination to rethink whether, in fact, they wish to continue to do that work. And it places lawyers who do continue to advocate at loggerheads with their clients' interests.

The law is now clear that victims of discrimination owe tax payments on whatever settlement/judgment they might receive. And it is clear that their attorneys owe tax payments on whatever attorney fees and expenses they are awarded. However, the law is also quite clear that the victims of discrimination also owe taxes upon the amount of

money their attorney is compensated for his/her efforts in obtaining the settlement/verdict. While in some situations it is possible to deduct those costs, given the Alternative Minimum Tax provisions and recent Tax Court cases, it is close to impossible to do so. Thus, victims of discrimination may well add up with an additional tax burden in excess of any sums of money actually obtained in the litigation to compensate them for their injuries. This must be contrary to the intent of Congress in passing civil rights legislation over the past thirty years, and the views of the Supreme Court in holding that attorney fees awards should be fully but reasonably compensatory to the attorneys, in order to facilitate attorneys in handling civil rights legislation.

I can provide you with a real-life example which impacts an Iowa citizen who successfully fought discrimination and retaliation and his attorney, the undersigned, who joined in that effort. Based on what we know now, both of us are quite sorry we ever entered into the effort to prevent discrimination and retaliation from occurring.

Don Lyons assisted a co-worker in filing a sex discrimination complaint against their employer. As a result, he and the co-worker were retaliated against. We brought suit on behalf of the co-worker for sex discrimination in employment in the Southern District of Iowa and made a claim for retaliation in violation of Title VII on behalf of both Don and his co-worker. The case was litigated in the court here, with the result that the sex discrimination case was resolved prior to trial. However, because no settlement of Don's claim was possible, his retaliation case went onto a jury trial before eight jurors from the southern District of Iowa.

We put on two days of evidence before the jury and Judge Wolle, with the result that Don was awarded $1.00 in nominal damages (a recognition of his right to bring the claim) and $150,000 in punitive damages. On post-trial motions, Judge Wolle upheld the jury's verdict on liability and held that there was sufficient evidence that "defendant had an evil motive and had intentionally violated federal law in retaliating against Lyons because he had assisted other pilots in protecting their civil rights." However, Judge Wolle remitted the punitive damage amount to $15,000.00, because he thought that would be sufficient to punish the defendant. Pursuant to the attorney fee provision of the civil rights law, I have petitioned the court for approximately $170,000 in fees and expenses; that is based on my hourly rate of $180.00 an hour (a rate much less than that of lawyers in other cities, and probably much less than the two defense lawyers from Chicago who tried the case). The fees and expenses amount may seem high, but is the result of a fair amount of contentiousness and the need to take depositions in Kansas and Arizona.

The problem for my client and for myself arises from the clear tax implications of this situation. My client would normally pay out of his $15,000 in punitive damages the sum of $5,467.00, and that would be fine for him.

However, if the court awards me a "fully compensatory" fee and expenses figure of $150,000 (I am using that as an example, because we have run the figures on this sum), not only will I pay my taxes on this figure (gladly so), but my client will also and without the ability to deduct the sum due to the pernicious effect of the alternative minimum tax!

	Amount
Don's taxes of $15,000	$5,467.00
Don's taxes on $15,000 plus the attorney fee award of $150,000	67,791.00
Difference/Additional Taxes Owed by Don for the "privilege" of having won his retaliation case	58,236.00

In other words, because Don assisted someone to bring a claim of sex discrimination through appropriate channels and prevailed in his jury trial claim of retaliation, he will be forced by present tax laws to pay an additional amount of $58,236.00, which is over two-thirds of his annual salary. *And* he will not have any additional money as a result of the remittment of the judgment to pay that additional tax. And because Don hired me to be his advocate and then prevailed before a jury of eight citizens, he is penalized with a severe tax penalty for having advocated civil rights. And I need not tell you that this result has severely strained what had been a cordial and positive working relationship between attorney and client.

This is a clear injustice and one that we cannot find any way of resolving, given the present state of the law. If we could, we would. We are, therefore, bringing this to your attention because it is a concern which only legislation can rectify. We believe that H.R. 1997 is the only means possible to rectify this problem and urge you to support it strongly and vocally as soon as Congress returns.

If you have need of further information, please let me know. Both Don and I would appreciate the opportunity to visit with you or your staff to discuss this problem and to shed light upon how this situation causes me to rethink my chosen profession and Don to rethink his willingness to assist people who are being discriminated against.

Very truly yours,

VICTORIA L. HERRING,
Attorney at Law.

Mr. ROBB. Mr. President, I am pleased to introduce the Civil Rights Tax Fairness Act of 2000 with Senators GRASSLEY, DASCHLE and COLLINS. This important legislation will correct several imperfections in our Tax Code that unfairly tax the victims of civil rights violations at a time when they are most vulnerable. I'm pleased that it accomplishes this in a fashion that has bi-partisan Congressional support and has been endorsed by civil rights organizations as well as the business community.

The Civil Rights Tax Fairness Act contains several provisions. The first section excludes emotional distress awards received in discrimination cases from the gross income of the recipient. Due to a change in the Small Business Job Protection Act of 1996, damages received for emotional distress in civil rights cases are taxable, while those received in slip and fall accidents are not. There is no defensible reason for this disparity and it must be changed.

The bill would also allow employees who receive lump sum awards for back wages for civil rights violations by their employers to take advantage of income averaging. Currently, if an employee receives a large award it will generally push that person into a higher income bracket for that year due to the income spike from the damages. The result is that the victim may be taxed at a higher rate than they would if they had received the income as wages in the normal course of business. This is the wrong tax treatment and should be corrected.

Finally, this legislation ends the double taxation on attorney's fees that are awarded to a victim in a discrimination case. Mr. President, even though the attorney ultimately gets the fees, not the victim, present law not only taxes the attorney on the fees that they receive when they take them into income, but also requires that the victim include them in computing their gross income. Even though they are supposed to be able to take a corresponding deduction, due to limitations on miscellaneous deductions and the alternative minimum tax, in most cases the victims cannot get the entire amount. This is not fair and cannot be the intended effect.

I look forward to working with the senior Senator from Iowa in getting this bill signed into law. It is time to bring our Tax Code into the 21st Century. We must implement tax policies that help to eradicate discrimination.

ADDITIONAL COSPONSORS

S. 203

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 203, a bill to amend title XIX of the Social Security Act to provide for an equitable determination of the Federal medical assistance percentage.

S. 345

At the request of Mr. ALLARD, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1351

At the request of Mr. GRASSLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1351, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from renewable resources.

S. 1378

At the request of Mr. VOINOVICH, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Georgia (Mr. COVERDELL), and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 1378, a bill to amend chapter 35 of title 44, United States Code, for the purposes of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes.

S. 1439

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1439, a bill to terminate production under the D5 submarine-launched ballistic missile program.

S. 1489

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 1489, a bill to amend title 38, United States Code, to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States.

S. 1796

At the request of Mr. MACK, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1796, a bill to modify the enforcement of certain anti-terrorism judgements, and for other purposes.

S. 1902

At the request of Mrs. FEINSTEIN, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from North Dakota (Mr. DORGAN) 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. 2274

At the request of Mr. GRASSLEY, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2456

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2456, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit to provide assistance to adoptive parents of special needs children, and for other purposes.

S. 2516

At the request of Mr. THURMOND, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2516, a bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

S. 2608

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2608, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 2609

At the request of Mr. CRAIG, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2609, a bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

S. 2689

At the request of Ms. LANDRIEU, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2689, a bill to authorize the President to award a gold medal on behalf of Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II.

S. 2703

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

S. 2707

At the request of Mr. CRAPO, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2707, a bill to help ensure general aviation aircraft access to Federal land and the airspace over that land.

S. 2781

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2781, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. CON. RES. 130

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 130, concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

S.J. RES. 48

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S.J. Res. 48, a joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

At the request of Mr. CAMPBELL, the names of the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from Indiana (Mr. BAYH), the Senator from Vermont (Mr. JEFFORDS), the Senator from Utah (Mr. BENNETT), the Senator from Maryland (Mr. SARBANES), the Senator from Wisconsin (Mr. KOHL), the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY), the Senator from California (Mrs. FEINSTEIN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Nevada (Mr. BRYAN), the Senator from Vermont (Mr. LEAHY), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S.J. Res. 48, supra.

S.J. RES. 50

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S.J. Res. 50, a joint resolution to disapprove a final rule promulgated by the Environmental Protection Agency concerning water pollution.

S. RES. 212

At the request of Mr. ABRAHAM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 212, a resolution to designate August 1, 2000, as ''National Relatives as Parents Day.''

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from Nebraska (Mr. KERREY) 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. 301

At the request of Mr. THURMOND, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from New York (Mr. MOYNIHAN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Nebraska (Mr. HAGEL), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res . 301, a resolution designating August 16, 2000, as ''National Airborne Day.''

AMENDMENT NO. 3457

At the request of Mr. LEVIN, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 3457 intended to be proposed to S. 2536, an original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3798

At the request of Mr. REED, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3798 proposed to H.R. 4578, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3847

At the request of Mr. HARKIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 3847 proposed to H.R. 4810, a bill to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

AMENDMENT NO. 3886

At the request of Mr. BOND, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Nebraska (Mr. KERREY) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 3886 proposed to H.R. 4578, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3887

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of amendment No. 3887 proposed to H .R. 4578, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3888

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3888 proposed to H.R. 4810, a bill to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

AMENDMENT NO. 3899

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3899 proposed to H.R. 4578, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

SENATE CONCURRENT RESOLUTION 131—COMMEMORATING THE 20TH ANNIVERSARY OF THE WORKERS' STRIKES IN POLAND THAT LED TO THE CREATION OF THE INDEPENDENT TRADE UNION SOLIDARNOSC, AND FOR OTHER PURPOSES

Mr. ROTH submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

S. CON. RES. 131

Whereas, in July and August of 1980, Polish workers went on strike to protest communist oppression and demand greater political freedom;

Whereas, in the shipyards of Gdansk and Szczecin, workers' committees coordinated these strikes and ensured that the strikes were peaceful and orderly and did not promote acts of violence;

Whereas workers' protests against the communist authorities in Poland were supported by the Polish people and the international community of democracies;

Whereas, on August 30 and 31 of 1980, the communist government of the People's Republic of Poland yielded to the 21 demands of the striking workers, including the release of all political prisoners, including Jacek Kuron and Adam Michnik, the broadcasting of religious services on television and radio, and the right to establish independent trade unions;

Whereas from these agreements emerged Solidarność, the first independent trade union in the communist bloc, led by Lech Walesa, an electrician from Gdansk;

Whereas Solidarność and its 10,000,000 members became a great social movement in Poland that was committed to promoting fundamental human rights, democracy, and Polish independence;

Whereas, during its first congress in 1981, Solidarność issued a proclamation urging workers in Soviet-bloc countries to resist their communist governments and to struggle for freedom and democracy;

Whereas the communist government of Poland introduced martial law in December 1981 in an attempt to block the growing political and social influence of the Solidarność movement;

Whereas Solidarność remained a powerful and political force that resisted the efforts of Poland's communist government to suppress the desire of the Polish people for freedom, democracy, and independence from the Soviet Union;

Whereas, in February 1999, the communist government of Poland agreed to conduct roundtable talks with Solidarność that led to elections to the National Assembly in June of that year, in which nearly all open seats were won by candidates supported by Solidarność;

Whereas, on August 19, 1999, Solidarity leader Tadeusz Mazowiecki was asked to serve as Prime Minister of Poland and on September 12, 1999, the Polish Sejm voted to approve Prime Minister Mazowiecki and his cabinet, Poland's first noncommunist government in 4 decades;

Whereas, on December 9, 1990, Lech Walesa was elected President of Poland;

Whereas the Solidarność movement, by its courage and example, initiated political transformations in other countries in Central and Eastern Europe and thereby initiated the collapse of the Soviet Bloc in 1989; and

Whereas, since the time Poland freed itself from communist domination, Polish-American relations have transformed from partnership to alliance, a transition marked by Poland's historic accession to the North Atlantic Treaty Organization in March 1999: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the 20th anniversary of the workers' strikes in Poland that lead to the creation of the independent trade union Solidarność; and

(2) honors the leaders of Poland who risked and lost their lives in attempting to restore democracy in their country and to return Poland to the democratic community of nations.

SENATE RESOLUTION 338—RELATIVE TO THE DEATH OF THE HONORABLE PAUL COVERDELL, A SENATOR FROM THE STATE OF GEORGIA

Mr. LOTT (for himself, Mr. DASCHLE, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 338

Whereas the Honorable Paul Coverdell served Georgia in the United States Senate with devotion and distinction;

Whereas the Honorable Paul Coverdell served all the people of the United States as Director of the Peace Corps;

Whereas his efforts on behalf of Georgians and all Americans earned him the esteem and high regard of his colleagues; and

Whereas his tragic and untimely death has deprived his State and Nation of an outstanding lawmaker and public servant: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Paul Coverdell a Senator from the State of Georgia.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

GRASSLEY (AND HARKIN) AMENDMENT NO. 3910

Mr. GORTON (for Mr. GRASSLEY (for himself and Mr. HARKIN)) proposed an amendment to the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 163, after line 23, insert the following:

SEC. 1___. MISSISSIPPI RIVER ISLAND NO. 228, IOWA, LAND EXCHANGE.

(a) IDENTIFICATION OF LAND TO BE RECEIVED IN EXCHANGE.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this section as the ''Secretary''), shall provide Dubuque Barge & Fleeting Services, Inc. (referred to in this section as ''Dubuque''), a notice that identifies parcels of land or interests in land—

(1) that are of a value that is approximately equal to the value of the parcel of land comprising the northern half of Mississippi River Island No. 228, as determined through an appraisal conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisition; and

(2) that the Secretary would consider acceptable in exchange for all right, title, and interest of the United States in and to that parcel.

(b) LAND FOR WILD LIFE AND FISH REFUGE.—Land or interests in land that the Secretary may consider acceptable for the purposes of subsection (a) include land or interests in land that would be suitable for inclusion in the Upper Mississippi River Wild Life and Fish Refuge.

(c) EXCHANGE.—Not later than 30 days after Dubuque offers land or interests in land identified in the notice under subsection (a), the Secretary shall convey all right, title, and interest of the United States in and to the parcel described in subsection (a) in exchange for the land or interests in land offered by Dubuque, and shall permanently discontinue barge fleeting at the Mississippi River island, Tract JO–4, Parcel A, in the W/2 SE/4, Section 30, T.29N., R.2W., Jo Daviess County, Illinois, located between miles #578 and #579, commonly known as Pearl Island.

GORTON AMENDMENT NO. 3911

Mr. GORTON proposed an amendment to the bill, H.R. 4578; supra; as follows:

On page 126, line 16, strike ''$207,079,000'' and insert ''$208,579,000''.

BOXER AMENDMENT NO. 3912

Mrs. BOXER proposed an amendment to the bill, H.R. 4578, supra; as follows:

At the end of the amendment, add the following:

''None of the funds appropriated under this Act may be used for the preventive application of a pesticide containing a known or probable carcinogen, a category I or II acute nerve toxin or a pesticide of the organophosphate, carbamate, or organochlorine class as identified by the Environmental Protection Agency in National Parks in any area where children and pregnant women may be present.''

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

BAUCUS AMENDMENTS NOS. 3913–3916

Mr. BAUCUS submitted four amendments intended to be proposed by him to the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes; as follows:

AMENDMENT NO. 3913

On page 14, line 23, strike ''and''.

On page 15, lines 1 and 2, strike ''in all, $494,744,000.'' and insert ''and $500,000 for the Montana Sheep Institute; in all, $495,244,000, of which $500,000 shall be derived by transfer of a proportionate amount from each other account for which this title makes funds available for administrative and related expenses.''.

AMENDMENT NO. 3914

On page 14, line 23, strike ''and''.

On page 15, lines 1 and 2, strike ''in all, $494,744,000.'' and insert ''and $500,000 for a 1-year economic study on live cattle packer concentration at the University of Florida; in all, $494,894,000, of which $150,000 shall be derived by transfer of a proportionate amount from each other account for which this title makes funds available for administrative and related expenses.''.

AMENDMENT NO. 3915

On page 12, line 22, strike ''expended (7 U.S.C. 2209b):'' and insert ''expended, of which $2,000,000 shall be derived by transfer of a proportionate amount from each other account for which this title makes funds available for administrative and related expenses, and of which not less than $2,000,000 shall be available for the Northern Plains Agricultural Research Laboratory, Sidney, Montana, for facility construction:''.

AMENDMENT NO. 3916

On page 50, lines 9 through 12, strike ''$21,221,293,000, of which $100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations'' and insert ''$21,221,793,000, of which $100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations and $500,000 shall be available to provide a waiver to the State agency of the State of Montana from the standard utility allowance requirements of section 5(e)(7)(C) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(7)(C))''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of New Hampshire. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, July 25, 2000, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 2877, to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon; S. 2881, to update an existing Bureau of Reclamation program by amending the Small Reclamation Projects Act of 1956, to establish a partnership program in the Bureau of Reclamation for small reclamation projects, and for other purposes; and S. 2882, to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirsken Senate Office Building, Washington, DC 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 18, 2000, at 9:30 a.m. on Global Warming—National Assessment on Climate Change.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 18, 2000, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 18, 2000, at 2:30 p.m., to hold a hearing.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be authorized to meet to conduct a hearing on drug costs during the session of the Senate on July 18, 2000.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 18, 2000, at 3 p.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 18, 2000, to conduct a hearing on ''S. 2733, the Affordable Housing for Seniors and Families Act.''

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

SUBCOMMITTEE ON PRODUCTION AND PRICE COMPETITIVENESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Production and Price Competitiveness be authorized to meet during the session of the Senate on Tuesday, July 18, 2000. The purpose of this meeting will be to examine the future of U.S. agricultural export programs.

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

SUBCOMMITTEE ON TAXATION AND IRS OVERSIGHT

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and IRS Oversight of the Committee on Finance authorized to meet during the session of the Senate on Tuesday, July 18, 2000, for a public hearing on Energy Tax Issues.

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

PRIVILEGE OF THE FLOOR

Mr. GORTON. Mr. President, I ask unanimous consent that Ben Noble of Senator LEAHY's staff be accorded floor privileges during the remainder of the consideration of this bill.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that Garry Stacey Banks, Ashley Badger, Erin Choi, Marissa Coughlin, Crystal Duncan, Ethan Falatko, Geneva Head, Walter Kookesh, Aaron Meredith, David Naneng, Darien Pearson, Marshall Sele, Yun Xia, Jennafer Tryck, and Jensen Young, Alaskan students participating in my summer intern program, be granted floor privileges in order to accompany me on my daily schedule through August 15, 2000. Only two interns will accompany me to the floor at any particular time.

I also ask that Garry Stacey Banks, Ethan Falatko, Marshall Sele, Jennafer Tryck, and Jensen Young be granted floor privileges in order to accompany my legislative director, Chris Schabacker, through August 15, 2000. Only one intern will accompany my legislative director to the floor at any particular time.

THE DEATH OF SENATOR PAUL COVERDELL, OF GEORGIA

Mr. LOTT. Mr. President, I have one of the most difficult things to do now that I have had to do since I have served as majority leader of the Senate, and that is to announce that our beloved colleague from Georgia, PAUL COVERDELL, passed away today at approximately 6:10 p.m. in the Piedmont Hospital in Atlanta, GA. PAUL has been a close friend and confidant, an outstanding Member of this body, and we will miss him greatly.

At the appropriate time, I will join the rest of my colleagues in trying to make appropriate remarks to pay tribute to PAUL, but for now I can't do any more than just make this announcement. I do want to say to Nancy Coverdell and the family that we extend our sympathy and our love. Our hearts are breaking also.

Mr. President, I send a resolution to the desk and ask for its immediate consideration; further, that the resolution be read.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 338),

Whereas the Honorable Paul Coverdell served Georgia in the United States Senate with devotion and distinction;

Whereas the Honorable Paul Coverdell served all the people of the United States as Director of the Peace Corps;

Whereas his efforts on behalf of Georgians and all Americans earned him the esteem and high regard of his colleagues; and

Whereas his tragic and untimely death has deprived his State and Nation of an outstanding lawmaker and public servant: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Paul Coverdell a Senator from the State of Georgia.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

Mr. LOTT. Mr. President, I ask unanimous consent that all Members of the Senate be made cosponsors of this resolution, and further that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 338) was agreed to.

The preamble was agreed to.

Mr. LOTT. Mr. President, we will announce for the Senate and all those who knew and loved PAUL, the details of the services for him when they are available. We don't have that information at this time. I presume sometime tomorrow we will know that. And also I want colleagues to know that they are encouraged to make statements of sympathy during the proceedings tomorrow when we are in session, if they feel so inclined. But, as is the tradition, we will designate a specific time at a later date so that all Senators will have time to appropriately express their feelings for this fine Senator.

I ask the assistant majority leader conclude our proceedings this afternoon.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, might I join with our distinguished majority leader in expressing the grief we all feel for a man of peace who did so much in his life, and brilliantly, as Director of the Peace Corps under President Bush. We know him so well and miss him so much and can only share in the thought that he rests in peace.

Mr. NICKLES. 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. NICKLES. 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. NICKLES. Mr. President, the announcement the majority leader just made that our friend and colleague, PAUL COVERDELL, passed away at 6:10 p.m. today is a very sad statement. PAUL COVERDELL was an outstanding Senator from the State of Georgia. This is Georgia's loss, but it is also a loss for all of our country.

I join with my colleagues in expressing our sympathy to Nancy Coverdell, to the Coverdell family, to all the friends and associates of PAUL COVERDELL, for he was truly an outstanding Senator. He served this body with great distinction, with great humor and leadership. Frankly, he was a leader in everything he did, certainly in the Peace Corps and his service in the Senate. He will truly be missed, not just by Georgians but, frankly, by all Americans.

ORDERS FOR WEDNESDAY, JULY 19, 2000

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on

Wednesday, July 19. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date and the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Agriculture appropriations bill.

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

PROGRAM

Mr. NICKLES. Mr. President, when the Senate convenes at 9:30 a.m., the Senate will immediately resume consideration and debate of the Agriculture appropriations bill. Amendments are expected to be offered and debated throughout tomorrow's session. As previously announced, any votes ordered with respect to the Agriculture appropriations bill will be stacked to occur sometime after 2 p.m. in order to accommodate those Senators attending the funeral service for former Senator Pastore. In addition, as information becomes available with respect to the services for Senator COVERDELL, further announcements will be made.

Mr. BROWNBACK. Mr. President, before we close, I ask that we have a moment of silent prayer for the Paul Coverdell family.

(Moment of silence.)

Mr. NICKLES. Mr. President, I thank my friend and colleague from Kansas, and I wish to reiterate the statement that all of us are praying for the Coverdell family.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 338, out of respect for our colleague, Senator PAUL COVERDELL.

There being no objection, the Senate, at 7:14 p.m., adjourned until Wednesday, July 19, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 18, 2000:

UNITED STATES INSTITUTE OF PEACE

SEYMOUR MARTIN LIPSET, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003. (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S. CODE, SECTION 211:

To be lieutenant

ELIZABETH A. ASHBURN, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. PETER PACE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

THOMAS J. CONNALLY, 0000

THE FOLLOWING NAMED OFFICERS IN THE UNITED STATES MARINE CORPS FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTION 531:

To be first lieutenant

AARON D. ABDULLAH, 0000
TINA M. ABRAHAM, 0000
ERIK R. ABRAHAMSON, 0000
CEASAR M. ACHICO, 0000
DAVID M. ADAMIEC, 0000
RAYMOND L. ADAMS, 0000
KENNETH P. ADDIS, 0000
JOHN J. AHN, 0000
LOUIS M. ALBIERO, JR., 0000
BRIAN S. ALBON, 0000
GREGORY J. ALLAN, 0000
EZIEKEL E. ALLEN, 0000
TIMOTHY E. ANDERSON, 0000
JOHN T. ANDRESS, 0000
AARON A. ANGELL, 0000
DANN V. ANGELOFF, JR., 0000
BRIAN ANTONELLI, 0000
ARTHUR D. ANZALONE, 0000
RICHARD D. APOSTOLICO, 0000
TOBEI B. ARAI, 0000
JONPAUL C. ARCHER, 0000
JOSEPH D. ARICO, 0000
JAMES F. ARMAGOST, 0000
ROBERT L. ARMBRUSTER, JR., 0000
ERICK M. ARMELIN, 0000
ADRIAN D. ARMOLD, 0000
MICHAEL J. ARPAIO, JR., 0000
JOHN R. ARQUETTE, 0000
JASON D. ARTHAUD, 0000
LANCE R. ATTAWAY, 0000
SCOTT K. ATWOOD, 0000
BRAD E. AUGHINBAUGH, 0000
BLAS AVILA, JR., 0000
JULIE L. AYLWIN, 0000
SHERIF A. AZIZ, 0000
JAMES S. BACHE, 0000
JOHN T. BADAMI, 0000
BROCKLYN D. BAHE, 0000
EDWARD BAHRET, 0000
JANINE L. BAILEY, 0000
GREGORY T. BAKER, 0000
THOMAS A. BAKER, 0000
GREGORY R. BAMFORD, 0000
ROBBI J. BANASZAK, 0000
JOHN J. BANCROFT, JR., 0000
ROZANNE BANICKI, 0000
WALTER C. BANSLEY IV, 0000
DAVID S. BARBEROT, 0000
BRUCE E. BARKER, JR., 0000
GWENDOLYNN L. BARR, 0000
TRAVIS A. BARTELSON, 0000
HARVEY BARTLE IV, 0000
CHRISTOPHER T. BATES, 0000
BARTHOLOME BATTISTA, 0000
PAUL J. BATTY, 0000
JOHN P. BAZYLEWICZ, 0000
JOSEPH T. BEALS, 0000
BRADLEY P. BEAN, 0000
RYAN A. BEAUPRE, 0000
ERIC M. BECKMANN, 0000
DAVID A. BEEBE, 0000
ERIN S. BENJAMIN, 0000
TIMOTHY R. BENNETT, 0000
CHRISTOPHER E. BENSON, 0000
DAVID P. BERARDINELLI, 0000
CHARLES H. BERCIER III, 0000
PETER M. BEREZUK, 0000
FREDERICK L. BERNIER, 0000
BRENDAN T. BERRY, 0000
JOHN K. BEST, 0000
GREGORY S. BIAGI, 0000
SCOTT T. BIELICKI, 0000
MICHAEL J. BISSONETTE, 0000
EDUARDO C. BITANGA II, 0000
TROY B. BLACK, 0000
PAUL J. BLAIR, 0000
DONALD P. BLAND, 0000
DAVID R. BLASSINGAME, 0000
ANDREW C. BLOCKSIDGE, 0000
MICHAEL A. BOCCOLUCCI, 0000
BRAD P. BOITNOTT, 0000
BRANDON M. BOLLING, 0000
CHRISTIAN J. BOLLINGER, 0000
JOHN A. BONDS, 0000
JONATHAN A. BOSSIE, 0000
STEPHEN C. BOUCHER, 0000
TYLER E. BOUDREAU, 0000
MICHAEL J. BOULTON, 0000
MICHAEL B. BOWDOIN, 0000
CHRISTOPHER J. BOWER, 0000
ELIKA S. BOWMER, 0000
JONATHAN L. BRADLEY, 0000
SEAN P. BRADLEY, 0000
ROBERT K. BRINTON, 0000
BRANDON C. BROOKS, 0000
GARY D. BROOKS, 0000
BENJAMIN W. BROWN, 0000
CHRISTOPHER L. BROWN, 0000
JENNIFER L. BROWN, 0000
MEREDITH E. BROWN, 0000
SHANNON M. BROWN, 0000
TINA M. BROWN, 0000
CHRISTOPHER A. BROWNING, 0000
AARON J. BRUNK, 0000
JOHN P. BRUZZA, 0000
CHRISTIAN J. BUCHANAN, 0000
WYNDHAM K. BUERLEIN, 0000
ERNEST L. BULLICRUZ, 0000
KAREN L. BURCKART, 0000
GREGORY S. BURGESS, 0000
RUSSELL A. BURKE, 0000
DOUGLAS W. BURKMAN, 0000
BRIAN M. BURNS, 0000
ERIC G. BURNS, 0000
LOUIS V. BUSH, 0000
GREGORY K. BUTCHER, 0000
BRADLEY J. BUTLER, 0000
SCOTT P. BUTTZ, 0000
DANIEL R. CAMPBELL, 0000
TAMARA L. CAMPBELL, 0000
RAFAEL A. CANDELARIO II, 0000
RONALD M. CANNIZZO, 0000
CHRISTOPHER P. CANNON, 0000
ROBERT A. CANO, 0000
PETER J. CAPUZZI, 0000
CONLON D. CARABINE, 0000
DAVID M. CAREY, 0000
EDWARD M. CARICATO, JR., 0000
FOSTER T. CARLILE, 0000
WILLIAM L. CARR, 0000
CHARLES A. CARTE, 0000
THOMAS CATUOGNO, 0000
MATTHEW L. CHADWICK, 0000
BRIAN A. CHAJEWSKI, 0000
MICHAEL R. CHALLGREN, 0000
JEREMY P. CHAPMAN, 0000
CHRISTOPHER C. CHILDS, 0000
DAVID M. CHIODO, 0000
JEFFERY M. CHIOW, 0000
JAMES M. CHITTENDEN, 0000
JOHN Y. CHONG, 0000
DANIEL P. CHRISTMAS, 0000
DAVIS R. CHRISTY, 0000
DARIN A. CHUNG, 0000
BILLY J. CLARK, 0000
JOSHUA D. CLAYTON, 0000
C R. CLIFT, 0000
DARIUS COAKLEY, 0000
LLONIE A. COBB, 0000
COLIN P. COCKRELL, 0000
WILLIAM J. CODY, 0000
BRIAN W. COLE, 0000
CHRISTOPHER G. COLLINS, 0000
CHRISTOPHER J. COLLINS, 0000
JAMES B. COLLINS, 0000
RYAN M. CONNOLLY, 0000
JUSTIN CONSTANTINE, 0000
LEE K. COOPER, 0000
ROBERT L. CORL, 0000
LESTER M. CORPUS, 0000
JEFFREY C. CORRIVEAU, 0000
STEPHEN L. COSBY, 0000
JOSEPH V. COSENTINO, 0000
MICHAEL H. COTHERN, 0000
CHRISTOPHER G. COVER, 0000
BRADLEY S. COWLEY, 0000
CHRISTOPHER S. COX, 0000
LUKE A. COYLE, 0000
BARRY A. CRAFT, JR., 0000
MICHAEL L. CRAIGHEAD, 0000
RYAN E. CRAIS, 0000
LORI R. CREEL, 0000
THOMAS R. CRELLIN, 0000
BRENT A. CREWS, 0000
MICHELLE E. CROFTS, 0000
KRISTOPHER M. CRONIN, 0000
CLINTON A. CULP, 0000
THOMAS P. CUNNINGHAM, 0000
CHRISTOPHER C. CURRAN, 0000
IAN C. DAGLEY, 0000
NINA A. DAMATO, 0000
JEFFREY R. DANSIE, 0000
MEHDI A. DARAKJY, 0000
JOHN F. DASTOLI, 0000
CARLOS M. DAVILA, JR., 0000
JUN YOUNG K. DAVIS, 0000
MARK S. DAVIS, 0000
ROBERT B. DAVIS, 0000
SCOTT R. DAVIS, 0000
TIMOTHY A. DAVIS, 0000
TIMOTHY R. DAVIS, 0000
VINCENT C. DAWSON, 0000
NORMAN T. DAY, 0000
DAVID K. DECARION, 0000
MICHAEL J. DEDDENS, 0000
JOSE M. DELEON, JR., 0000
ANDREW M. DELGAUDIO, 0000
BRYAN C. DELIA, 0000
GERALD DELIRA, JR., 0000
JOSEPH T. DELLOS, 0000
VINCENT A. DELPIDIO III, 0000
CHARLES W. DELPIZZO III, 0000
GREGORY P. DEMARCO, 0000
GREGORY R. DEMIK, 0000
COLLEEN R. DEMOSS, 0000
SAMUEL N. DEPUTY, 0000
CHRISTIAN T. DEVINE, 0000
PATRICIA M. DIENHART, 0000
MICHAEL C. DIETZ, 0000
JASON F. DIJOSEPH, 0000
ERIC C. DILL, 0000
JUSTIN T. DIRICO, 0000
ANDREW P. DIVINEY, 0000
ERIC L. DIXON, 0000
GILBERT F. DMEZA, 0000
JOHN F. DOBRYDNEY, 0000
WILLIAM DOCTOR, JR., 0000
KEVIN M. DOHERTY, 0000

HENRY DOLBERRY, JR., 0000
DAVID M. DOMAN, 0000
JOHN H. DOUGLAS, 0000
STEWART L. DOWNIE, 0000
DOUGLAS A. DOWSON, 0000
TERESA J. DRAG, 0000
ANDREW S. DREIER, 0000
JONATHAN A. DREXLER, 0000
STEPHEN D. DRISKILL, 0000
AARON A. DRUMMOND, 0000
CHARLES E. DUDIK, 0000
CHRISTOPHER M. DUKE, 0000
JOSEPH R. DUMONT, 0000
JASON K. DUNCAN, 0000
CHRISTOPHER M. DUNDY, 0000
RYAN E. DUNHAM, 0000
DOUGLAS R. DUNLAP, 0000
SEAN R. DUNN, 0000
KATHLEEN M. DUNNE, 0000
TANYA M. DURHAM, 0000
MICHAEL E. DWYER, 0000
SCOTT A. DYER, 0000
JONATHAN J. ECKHARDT, 0000
SCOTT C. EDWARDS, 0000
DAVID I. EICKENHORST, 0000
PHILIP E. EILERTSON, 0000
CHRISTOPHER P. ELHARDT, 0000
RYAN M. ELLER, 0000
JOHN M. ENNIS, 0000
RYAN J. ERISMAN, 0000
WILLIAM R. ERRETT, 0000
BRYAN M. ESPRIT, 0000
MICHAEL F. ESTORER, 0000
DANIEL J. EVANS, 0000
MATTHEW S. FAHRINGER, 0000
DAVID D. FAIRLEIGH, 0000
ROBERT B. FARRELL, 0000
TIMOTHY F. FARRELL, 0000
JOHN P. FARRIS II, 0000
THOMAS R. FECHTER, 0000
MICHAEL J. FEDOR, 0000
WILLIAM A. FEEKS, 0000
MARTIN E. FEENY, 0000
MATTHEW D. FEHMEL, 0000
DANIEL C. FELICIANO, 0000
WILLIAM T. FELTS IV, 0000
WILLIAM B. FENWICK, 0000
SCOTT E. FERENCE, 0000
ERNEST D. FERRARESSO, 0000
SHANNON R. FIELDS, 0000
PETER C. FIGLIOZZI, 0000
FRANK E. FILLER, 0000
CORNELIUS T FINNEGAN IV, 0000
JAMES F. FINNEGAN, 0000
MICHAEL L. FITTS, 0000
ROBERT C. FITZBAG, 0000
JAMES C. FITZHUGH, 0000
CHARLES N. FITZPATRICK III, 0000
ROBERT J. FITZPATRICK, 0000
RYAN P. FITZPATRICK, 0000
MARY K. FLATLEY, 0000
PHILIP E. FLECHER, JR., 0000
MICHAEL C. FLEMMING, 0000
JASON R. FLYNN, 0000
FREDERICK D. FOLSON, 0000
RYAN P. FORD, 0000
TRAVIS A. FORD, 0000
JUAN F. FORERO, 0000
BRYAN J. FORNEY, 0000
VINCENT P. FORTUNATO, 0000
MARC H. FOSTER, 0000
MARK E. FRANKO, 0000
JASON E. FRANKS, 0000
LAWRENCE M. FRAUENHEIM, 0000
AARON T. FRAZIER, 0000
PETER D. FREEBURN, 0000
CHRISTOPHER A. FRY, 0000
BENJAMIN D. FRYE, 0000
JASON A. GADDY, 0000
JASON P. GALETTI, 0000
ANTANAS D. GARBAUSKAS, 0000
JER J. GARCIA, 0000
JOANNA L. GARCIA, 0000
KENNETH C. GARDNER, JR., 0000
RYAN K. GATCHELL, 0000
JOSHUA T. GAUGHEN, 0000
SAMUEL C. GAZZO, 0000
SCOTT A. GEHRIS, 0000
JOSEPH H. GENT, 0000
LESTER R. GERBER, 0000
MICHAEL J. GERVASONI, 0000
MATTHEW S. GETZ, 0000
PAUL M. GHIOZZI, 0000
PETER M. GIBBONS, 0000
JASON L. GIBSON, 0000
GINGER E. GIERMAN, 0000
TARRELL D. GIERSCH, 0000
JOHN S. GILBERT, 0000
JESSE J. GIPSON, 0000
RICHARD L. GLADWELL, JR., 0000
OWEN L. GLISTER, 0000
IAN T. GLOVER, 0000
PATRICK M. GLYNN, 0000
MICHAEL B. GOLDSTEIN, 0000
CARLO J. GONZALEZ, 0000
GILBERTO C. GONZALEZ, JR., 0000
MATTHEW J. GORBATY, 0000
JAMES H. GORDON, 0000
DUSTIN B. GORZYNSKI, 0000
RYAN W. GOUGH, 0000
AIDEN S. GOULD, 0000
GREGORY F. GOULD, 0000
KENNETH B. GRAF, 0000
GRAHAM R. GRAFTON, 0000
BRANDON W. GRAHAM, 0000
KEVIN P. GRAVES, 0000
MICHAEL A. GRAZIANI, 0000
MAX S. GREEN, 0000
BRANDON C. GREGOIRE, 0000
JOHN R. GREGORY, 0000
ADAM W. GRESHAM, 0000
BRIAN R. GRIFFING, 0000
CHRISTOPHER M. GRIFFITH, 0000
SAMUEL M. GRIFFITH, 0000
SHANA L. GRITSAVAGE, 0000
JASON D. GROSE, 0000
CHRISTOPHER D. HAFER, 0000
DANIEL M. HAJEK, 0000
JEREMY S. HALCOMB, 0000
CHRISTOPHER W. HALL, 0000
MARK G. HALL, 0000
MICHAEL S. HALL, 0000
JASON M. HAMILTON, 0000
ALFRED B. HAMMETT, II, 0000
JEFFREY L. HAMMOND, 0000
MARK A. HAND, 0000
MICHAEL F. HAND, 0000
ERIC H. HANEMANN, 0000
JASON C. HANIFAN, 0000
PETER C. HANTELMAN, 0000
KEVIN B. HARBISON, 0000
ETHAN H. HARDING, 0000
TODD A. HARDING, 0000
MICHAEL A. HARLOW, 0000
BRETT M. HARNISH, 0000
JEFFREY M. HARRINGTON, 0000
RYAN E. HARRINGTON, 0000
CLINT C. HARRIS, 0000
GEORGE D. HASSELTINE, 0000
HOWARD H. HATCH, 0000
BLAKE E. HAUSMAN, 0000
CORY M. HAVENS, 0000
ROBERT C. HAWKINS, 0000
ORION J. HAYES, 0000
MICHELLE L. HEATH, 0000
BRENDAN G. HEATHERMAN, 0000
TREVOR A. HEIDENREICH, 0000
WILLIAM C. HENDRICKS, IV, 0000
HENRY A. HENEGAR, III, 0000
JOHN M. HENITZ, 0000
ADAM G. HENRICH, 0000
JESSICA L. HENRYSPAYDE, 0000
ARTURO HERNANDEZLOPEZ, 0000
HEATHER L. HERNANDEZTHEIS, 0000
JOHN P. HERRON, 0000
PHILIP R. HERSCHELMAN, 0000
DREW R. HESS, 0000
JASON W. HEUER, 0000
DOUGLAS P. HIBSHMAN, 0000
BRANDON M. HIGGINS, 0000
AARON P. HILL, 0000
RICHARD J. HOFHEINS, 0000
CHRISTOPHER L. HOLLOWAY, 0000
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FRANKLIN R. HOOKS, II, 0000
JAMES B. HOOVER, 0000
JOSHUA D. HOPFER, 0000
MAX H. HOPKINS, 0000
RICHARD L. HOPKINS, JR., 0000
WILSON M. HOPKINS, III, 0000
BRYAN T. HORVATH, 0000
ALEJANDRO R. HOUSE, 0000
DANE L. HOWELL, 0000
MARK A. HOWEY, 0000
WILLIAM C. HOWLETT, 0000
MICHAEL R. HUDSON, 0000
KENNETH S. HULATA, 0000
JAMES B. HUNT, 0000
MICHAEL L. HUNTING, JR., 0000
PER D. HURST, 0000
HENRY E. HURT, III, 0000
JAY D. HUSBANDS, 0000
ANDREW J. HUSMAN, 0000
BRET M. HYLA, 0000
JOHN C. ILLIA, 0000
GEORGE F. INMAN, JR., 0000
TIMOTHY W. IRWIN, 0000
VICTOR R. ISLAS, 0000
JOSHUA E. IZENOUR, 0000
CARLOS T. JACKSON, 0000
JIMMY L. JACKSON, 0000
REGINALD L. JACKSON, JR., 0000
MATHEW J. JACOBSEN, 0000
JOHN J. JAESKI, 0000
ROBERT E. JAMES, 0000
JASON M. JANCZAK, 0000
RYAN P. JANOSEK, 0000
DONALD A. JANVRIN, 0000
MIKE K. JERON, 0000
FERNANDO V. JIMENEZ, 0000
CHRISTOPHER H. JOHANSEN, 0000
JOHN C. JOHNS, 0000
THOMAS V. JOHNS, 0000
ANDREW D. JOHNSON, 0000
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DAVID A. JOHNSON, 0000
GRANT M. JOHNSON, 0000
KIMBERLY A. JOHNSON, 0000
MICHAEL J. JOHNSON, 0000
PAUL K. JOHNSON III, 0000
ANNEKE L. JOHNSTON, 0000
MARC A. JOHNSTON, 0000
RANDALL C. JOHNSTON, 0000
KEMPER A. JONES, 0000
SYDNEY F. JORDAN, JR., 0000
DAVID C. JOSEFORSKY, 0000
ANGELA C. JUDGE, 0000
FRANCIS A. JUROVICH III, 0000
MICHAEL C. KAHN, 0000
DANIEL B. KALSON, 0000
TIMOTHY A. KAMB, 0000
MARK T. KAMINSKY, 0000
ANDREW D. KARAMANOS, 0000
DOV KAWAMOTO, 0000
MARTIN P. KAZANJIAN, 0000
CHRISTOPHER F. KEADY, 0000
RONALD W. KEARSE, 0000
COLIN H. KEENAN, 0000
JOHN P. KEENAN, 0000
BRIAN K. KELLER, 0000
ALEXANDER E. KELLEY, 0000
SHAWN M. KELLY, 0000
TIMOTHY L. KELLY, 0000
CHRISTOPHER A. KENNEDY, 0000
ERIN M. KEWIN, 0000
MATTISON J. KIDD, 0000
MARK A. KIEHLE, 0000
JOHN E. KIM, 0000
TROY O. KIPER, 0000
THOMAS F. KISCH, 0000
MICHAEL C. KLINE, 0000
AARON R. KNEPEL, 0000
TOMIS M. KNEPPER, 0000
JAMES A. KNIGHT, 0000
BRANDON S. KNOTTS, 0000
JACK R. KNOX, JR., 0000
JOHN D. KNUTSON, 0000
ROBERT M. KOHRS, 0000
NOAH J. KOMNICK, 0000
VINCE W. KOOPMANN, 0000
PAUL B. KOPACZ, 0000
CHRISTOPHER M. KOREN, 0000
JAMES F. KORTH, 0000
JEFFERSON L. KOSICH, 0000
SPEROS C. KOUMPARAKIS, 0000
SHANNON M. KRAFT, 0000
CHARLES B. KROLL, 0000
LORI KRSULICH, 0000
MATTHEW B. KUCHARSKI, 0000
ADZEKAI M. KUMA, 0000
JOHN J. KURIGER, 0000
JOSEPH B. LAGOSKI, 0000
PHILIP C. LAING, 0000
JEFFREY K. LAMB, 0000
JUSTIN D. LAMORIE, 0000
SAMUEL W. LANASA, JR., 0000
MATTHEW J. LANDRY, 0000
CARROLL K. LANE, 0000
DEREK E. LANE, 0000
JEFFREY J. LARSON, 0000
CHRISTOPHER R. LASHER, 0000
GOTTFRIED H. LAUBE, JR., 0000
SCOTT A. LAUZON, 0000
ANDREAS D. LAVATO, 0000
GARY R. LAWSON, II, 0000
DUSTIN T. LEE, 0000
KATHY R. LEE, 0000
SAMUEL K. LEE, 0000
ADAM V. LEFRINGHOUSE, 0000
JOEL T. LEGGETT, 0000
ANDREW T. LEPPERT, 0000
MATTHEW E. LEYMAN, 0000
DOUGLAS A. LINDAMOOD, 0000
JONATHAN B. LINDSEY, 0000
JOSEPH B. LINGGI, 0000
SUSAN K. LINSERT, 0000
JOHN W. LITTON, 0000
JON B. LIVINGSTON, 0000
ANDREW J. LOCKETT, 0000
ANTHONY W. LOIGNON, 0000
BRENT A. LOOBY, 0000
ALFRED J. LOUIS, JR., 0000
BRIAN F. LOWE, 0000
JOSH R. LOWE, 0000
JAMES T. LOWERY, 0000
MICHAEL R. LUCIANI, 0000
HAROLD Q. LUCIE, 0000
GALIN G. LUK, 0000
CHRISTOPHER D. LUTHER, 0000
JONATHAN C. LUTTMANN, 0000
ANDREW D. LYNCH, 0000
STEVEN M. LYONS, 0000
SCOTT J. MABEE, 0000
DAVID C. MAIER, 0000
SEAN W. MAITA, 0000
MAREK Z. MAKAREWICZ, 0000
MICHAEL J. MANIFOR, 0000
WILLIAM M. MAPLES, 0000
WILLIAM J. MARKHAM III, 0000
JON S. MARONEY, 0000
MICHAEL F. MARTIN, 0000
MICHAEL D. MARTINO, 0000
JUSTIN E. MARVEL, 0000
TAMARA A. MASON, 0000
GARTH P. MASSEY, 0000
RENEE L. MATTHEWS, 0000
STEPHEN W. MATTHEWS, 0000
CHRISTOPHER J. MAYFIELD, 0000
ADAM W. MC ARTHUR, 0000
JAMES K. MC BRIDE, 0000
MICHAEL D. MC CARTY, JR., 0000
MICHAEL M. MC CLOUD, II, 0000
DANIEL G. MC COLLUM, 0000
LUCAS M. MC CONNELL, 0000
GARY A. MC CULLAR, 0000
JUDSON C. MC DANIEL, 0000
KEVIN M. MC DONALD, 0000
MARK J. MC DONALD, 0000
MARK D. MC FARLAND, 0000
JOHN G. D. MC GARRY, 0000
GREGORY C. MC GEE, 0000
BRIAN T. MC GONAGLE, 0000
JAMES P. MC GONIGLE, III, 0000
AMY M. MC GRATH, 0000
JAMES R. MC GRATH, 0000
GREGORY A. MC GUIRE, 0000
RODRICK H. MC HATY, 0000
ADAM T. MC HENRY, 0000
CAMERON M. MC KAY, 0000
BRYAN T. MC KERNAN, 0000
ADAM T. MC LENDON, 0000

SCOTT D. MC LEOD, 0000
MICHAEL T. MC QUADE, 0000
JOHN P. MC SHANE, 0000
JEFFREY L. MEEKER, 0000
ANDREW F. MEREDITH, 0000
CHRISTOPHER M. MERRILL, 0000
CHRISTOPHER M. MESSINEO, 0000
SAMUEL L. MEYER, 0000
CHRISTOPHER V. MEYERS, 0000
SHARRON M. MICHAEL, 0000
ADAM E. MILLER, 0000
BRIAN M. MOLL, 0000
SCOTT MONTES, 0000
KEVIN M. MONTGOMERY, 0000
MARK A. MONTOYA, 0000
JOHN M. MOORE, 0000
ELLIOT MORA, 0000
DAVID F. MORAN, 0000
DAVID M. MOREAU, 0000
JENNIFER B. MORRIS, 0000
TRAVIS L. MORSE, 0000
STEPHEN H. MOUNT, 0000
ROGER O. MOUSEL, JR., 0000
JESSICA S. MOWREY, 0000
JOHN P. MULKERN, 0000
BRIAN T. MULVIHILL, 0000
RAMON J. MUNOZ, 0000
SETH MUNSON, 0000
GERALD E. MURPHY, 0000
CHRISTOPHER M. MURRAY, 0000
SEAN M. MURRAY, 0000
MICHAEL R. NAKONIECZNY, 0000
YOHANNES NEGGA, 0000
NICHOLAS O. NEIMER, 0000
ANDREW J. NELSON, 0000
ISAAC D. NELSON, 0000
CHRISTINA F. NESMITH, 0000
JAMES D. NEUSHUL, 0000
DAVID E. NEVERS, 0000
MICHAEL E. NEWMAN, 0000
VICTOR NEWSOM, 0000
DEREK J. NEYMEYER, 0000
HILARY NICESWANGER, 0000
CHRISTOPHER M. NICHOLSON, 0000
ALEXANDRA K. NIELSEN, 0000
JONCLAUD A. NIX, 0000
STEVEN J. NOLEN, 0000
MARVIN L. NORCROSS, JR., 0000
WADE H. NORDBERG, 0000
BRIAN M. NORDIN, 0000
EDWIN NORRIS, 0000
RUSSELL H. NORRIS, 0000
AARON J. NOTEBOOM, 0000
MICHAEL M. OBALDE, 0000
ELTON D. O'BRIEN, 0000
WILLIAM E. O'BRIEN, 0000
CHRISTOPHER P. O'DONNELL, 0000
JEFFREY M. O'DONNELL, 0000
THOMAS R. OEHLER, 0000
JEFFREY W. OLESKO, 0000
DONALD W. OLIVER, JR., 0000
BERNARD J. O'LOUGHLIN, 0000
READ M. OMOHUNDRO, 0000
JARLATH P. ONEILDUNNE, 0000
CHRISTOPHER G. OPRISON, 0000
SEAN F. O'QUINN, 0000
PATRICK J. O'ROURKE, 0000
MICHAEL W. OSBORN, 0000
PAUL J. OVALLE, 0000
QUINTON S. PACKARD, 0000
SPENCER L. PADGETT, 0000
DARNELL K. PALMER, 0000
MARK A. PAOLICELLI, 0000
VASILIOS E. PAPPAS, 0000
JASON D. PARDUE, 0000
YOUNG K. PARK, 0000
DAMON M. PARKER, 0000
GREGORY S. PARKER, 0000
TERENCE L. PARKER, 0000
THOMAS W. PARKER, 0000
RICHARD E. PARKINSON, 0000
RICHARD H. PARRISH, 0000
BRIAN C. PATE, 0000
ANGELA D. PATERNA, 0000
RICHARD B. PATTESON, 0000
MARTHA L. PAYNE, 0000
MATTHEW R. PEARCE, 0000
JASON D. PEJSA, 0000
ERIC J. PENROD, 0000
CHRISTOPHER R. PERKINS, 0000
NATHAN T. PERKKIO, 0000
TRINITY D. PERSFUL, 0000
STEPHEN C. PETERS, 0000
DAREN R. PETERSON, 0000
ROBERT C. PETERSON, 0000
MATHEW J. PFEFFER, 0000
TUANANH T. PHAM, 0000
BRADLEY W. PHILLIPS, 0000
NATHALIE C. PICADO, 0000
NEAL P. PLASKONOS, 0000
ROBERT J. PLEAK, 0000
CLAY A. PLUMMER, 0000
JAMES P. POPPY, 0000
CHERYL L. PORAK, 0000
LARRY S. POST, 0000
DEREK A. POTEET, 0000
BRENDAN W. POWELL, 0000
AARON E. PRICE, 0000
CARL C. PRIECHENFRIED, 0000
ROBERT C. PRIJATELJ, 0000
JAMES PRUDHOMME III, 0000
RYAN A. PYKE, 0000
EUGENE A. QUARRIE III, 0000
ROBERT P. RACE, 0000
MATTHEW M. RAFFERTY, 0000
GEORGE P. RAMSEY, 0000
ROBERT P. RANDAZZO, 0000
MILAN K. RATKOVICH, 0000
CASMER J. RATKOWIAK III, 0000
GUY W. RAVEY, 0000
MIHAE P. RAVEY, 0000
HUNTER R. RAWLINGS IV, 0000
WILLIAM G. RAYNE, 0000
JAMES D. REDDING, 0000
ANDREW P. REED, 0000
KEVIN L. REED, 0000
MATTHEW L. REGNER, 0000
ROBERT B. REHDER, JR., 0000
DAVID M. REILLY, 0000
CHRISTOPHER T. REINHART, 0000
PETER O. REITMEYER, 0000
KIMBERLY A. REITZ, 0000
JULIAN D. REYESJONES, 0000
JACOB L. REYNOLDS, 0000
PATRICK J. REYNOLDS, JR., 0000
BRYAN M. RHODE, 0000
KERRY K. RHODES, 0000
WILLIAM T. RHODES, 0000
SHELTON RICHARDS, 0000
BRYAN D. RICHARDSON, 0000
JAMES E. RICHARDSON, JR., 0000
JASON P. RICHTER, 0000
THOMAS A. RICKS, 0000
JASON P. ROBERTS, 0000
RICHARD C. ROBERTS, 0000
BENJAMIN C. ROBERTSON, 0000
EDWARD N. ROBINSON, 0000
NATHANIEL K. ROBINSON, 0000
SEAN M. ROCHE, 0000
CHRISTOPHER A. ROCK, 0000
RANDY L. RODEN, 0000
VICTOR G. ROEPKE, 0000
CHRISTOPHER B. ROGERS, 0000
DAVID M. ROONEY, 0000
GUILLERMO ROSALES, JR., 0000
OMAR W. ROSALES, 0000
AARON M. ROSE, 0000
EDWIN B. ROSE, 0000
ERIK M. ROSENBERRY, 0000
DAWN C. ROSENBLAD, 0000
KEVIN L. RUNOLFSON, 0000
MICHAEL RUSH, 0000
WILLIAM A. RUSHE IV, 0000
MICHEAL D. RUSS, 0000
TRAVIS G. RUSSELL, 0000
JOHN T. RYAN, 0000
RUSSELL C. RYBKA, 0000
STEVEN A. SABLAN, 0000
REGINA M. SABO, 0000
CHRISTI L. SADDLER, 0000
ANDRE P. SALVANERA, 0000
JOHN E. SAMPSON, 0000
SOUNTHONE SANANIKONE, 0000
ROLANDO R. SANCHEZ, 0000
TIMOTHY J. SANCHEZ, 0000
WILLIAM D. SANDS, JR., 0000
ERIC T. SANEHOLTZ, 0000
KURT M. SANGER, JR., 0000
WILLIAM A. SANTMYER, 0000
LARA A. SANTOS, 0000
DANIEL S. SARNER, 0000
JOHN S. SATTELY, 0000
KEVIN T. SAUNDERS, 0000
JEFFREY B. SAXTON, 0000
KARL E. SCHIMMECK, 0000
KARL T. SCHMIDT, 0000
ZACHARY T. SCHMIDT, 0000
PAUL M. SCHNEIDER, 0000
TIMOTHY W. SCHNELLE, 0000
MICHAEL T. SCHOELZ, 0000
RYAN J. SCHOMER, 0000
WILLIAM M. SCHRADER, 0000
SEAN D. SCHROCK, 0000
ABEL A. SCHULTZE, 0000
CHARLES F. SCHWARM, 0000
WILLIAM M. SCHWEITZER, 0000
DANIEL R. SCOTT, 0000
ROBERTO C. SCOTT, 0000
WILLIAM T. SCOTT, 0000
ROBERT C. SELLERS, 0000
MICHAEL J. SHEA, 0000
THOMAS M. SHEA, 0000
DAVID B. SHEALY, 0000
AARON P. SHELLEY, 0000
BRIAN O. SHELLMAN, 0000
SCOTT M. SHELTON, 0000
JOHN E. SHEPARD, 0000
CHRISTOPHER H. SHEPPARD, 0000
CHRISTOPHER J. SHIMP, 0000
SHANNON L. SHINSKIE, 0000
LESLIE A. SHIOZAWA, 0000
JAMES F. SIFFERLEN, 0000
ALAN D. SILVA, 0000
LOUIS P. SIMON, 0000
ADAN E. SISNEROS, 0000
MICHAEL F. SKORICH, 0000
JOSEPH G. SKRYD, 0000
DANIEL J. SKUCE, 0000
RICHARD T. SLACK, 0000
DAVID B. SLAY, 0000
SAMUEL L. SLAYDON, 0000
MARC R. SLEDGE, 0000
TIMOTHY M. SLINGER, 0000
GRAHAM F. SLOAN, 0000
SAMUEL D. SMALDONE, 0000
DAVID P. SMAY IV, 0000
ANTHONY L. SMITH, 0000
ERIC D. SMITH, 0000
JAMES W. SMITH, 0000
JOSHUA E. SMITH, 0000
MELVIN SMITH, JR., 0000
MICHAEL R. SMITH, 0000
ROGER A. SMITH, 0000
SEAN P. SMITH, 0000
MARK C. SMYDRA, 0000
STEFAN R. SNEDEN, 0000
TRACI L. SNIVELY, 0000
WILLIAM R. SNOWMAN, 0000
MATHIEU J. SOULIERE, 0000
KIRK M. SPANGENBERG, 0000
DAVID W. SPANGLER, 0000
RAYMOND V. SPAULDING, 0000
BENJAMIN O. SPIELER, 0000
MATTHEW A. SPURLOCK, 0000
RANDY J. STAAB, 0000
JAMES F. STAFFORD, 0000
DAVID H. STAINTON II, 0000
JAMES R. STARR, JR., 0000
JOSEPH H. STEELE III, 0000
ROBERT A. STEELE, 0000
JEFFREY S. STEPHENS, 0000
BLAIR A. STEVENSON, 0000
KENRIC D. STEVENSON, 0000
ALYSSA R. STEWART, 0000
JOHN E. STEWART II, 0000
ALEXIS G. STOBBE, 0000
STEVEN W. STORMANT, 0000
DEAN T. STOUFFER, 0000
KEVIN M. STOUT, 0000
JONATHAN J. STRASBURG, 0000
FRANK W. STRYCHAZ, 0000
WAYNE E. STUETZEL, 0000
JAMES M. SULLENBERGER, 0000
JOSEPH C. SWANSON, 0000
THOMAS C. SWEATMAN, 0000
JUSTIN R. SWICK, 0000
MICHAEL N. SWIFT, 0000
TROY S. SYBESMA, 0000
GREGORY V. SZEPE, 0000
DAVID C. SZWED, 0000
STEPHEN M. SZYMANSKI, JR., 0000
PETER TABASH, 0000
DAVID H. TAFFE, 0000
JASON E. TAUCHES, 0000
ERIK C. TAUREN, 0000
BARRON S. TAYLOR, 0000
BRIAN J. TAYLOR, 0000
BRIAN R. TAYLOR, 0000
COREY M. TAYLOR, 0000
JAMES L. TAYLOR, JR., 0000
JOHN S. TAYLOR, 0000
STEPHEN J. TAYLOR, 0000
JOSEPH D. TEASLEY, 0000
BRADLEY J. TEEMLEY, 0000
PATRICK K. TEMPLE, 0000
HAMARTRYA V. THARPE, 0000
LAURENT C. THERIVEL, 0000
AMY N. THOMAS, 0000
CHARLES G. THOMAS, JR, 0000
MICHAEL P. THUE, 0000
PATRICK F. TIERNAN, 0000
JOHN W. TINNING, 0000
EMMANUEL V. TIPON, 0000
PETER M. TITTERTON, 0000
CURTIS J. TOMCZAK, 0000
ROBERT A. TOMLINSON, 0000
JOHN E. TOWN, 0000
MATTHEW W. TRACY, 0000
MICHAEL D. TRAPP, 0000
HEATHER A. TROUT, 0000
GAYLEN D. TRUSLOW, 0000
JOSEPH B. TURKAL, 0000
SHAWN S. TURNER, 0000
HANORAH E. TYERWITEK, 0000
JOSEPH S. UCHYTIL, 0000
EDWARD L. USHER, 0000
JAMES D. UTSLER, 0000
DAVID A. VALDEZ, 0000
JAMES D. VALENTINE, 0000
JOSHUA M. VANCE, 0000
CHAD D. VANDENBERG, 0000
MARK R. VANDERBEEK, 0000
JAY E. VANDERVOORT, 0000
TOBIAS K. VANESSELSTYN, 0000
CHAD I. VANSOMEREN, 0000
JAMES A. VAUGHAN, 0000
CHAD A. VAUGHN, 0000
QUENTIN R. VAUGHN, 0000
ANTONIO E. VELASQUEZ II, 0000
WILLIAM M. VESSEY, 0000
SEAN M. VIEIRA, 0000
MATTHEW F. VIRNIG, 0000
ROMAN P. VITKOVITSKY, 0000
JARED C. VONEIDA, 0000
PAT P. VONGSAVANH, 0000
LEAF H. WADE, 0000
PHILIP E. WAGGONER, 0000
MATTHEW B. WAGNER, 0000
THOMAS O. WAGNER II, 0000
JASON A. WALKER, 0000
MICHAEL T. WALLACE, 0000
WAYNE J. WALTRIP, 0000
THOMAS M. WARREN, 0000
GREGORY WARRINGTON, 0000
ALTON A. WARTHEN, 0000
ANTONIO H. WATERS, 0000
SCOTT M. WAWRZYNIAK, 0000
WILLIAM S. WEIS, 0000
ERIC E. WEISS, 0000
VINCENT J. WELCH, 0000
TRAVIS B. WELLS, 0000
CHRISTINE F. WELZMUELLER, 0000
MICHAEL P. WESTHEAD, 0000
TASHA D. WESTINGHOUSE, 0000
JASON L. WHALEN, 0000
EDDIE R. WHEELER, 0000
JODY E. WHITE, 0000
VAN E. WHITE, 0000
DANIEL M. WHITLEY, 0000
DANIEL K. WICKENS, 0000
VERNON C. WILKENS, JR., 0000

CHAD D. WILKINSON, 0000
EDWARD J. WILLETT III, 0000
DANIEL L. WILLIAMS, 0000
JAMES R. WILLIAMSON, 0000
BRETT M. WILSON, 0000
BRYAN D. WILSON, 0000
ROY W. WILSON, 0000
TIMOTHY E. WILSON, 0000
JOEL A. WIRTZ, 0000
LYNN M. WISEHART, 0000
JAMES T. WITHROW, 0000
BRIAN E. WOBENSMITH, 0000
KEVIN WOJCICKI, 0000
DOUGLAS N. WOLFE, 0000
JENNIFER M. WOLFE, 0000
STACEY L. WOLFE, 0000
DARREN C. WOLFF, 0000
BRIAN P. WOOD, 0000
RICHARD C. WOODS, JR., 0000
WADE L. WORKMAN, 0000
RICHARD S. WORTHINGTON, JR., 0000
ALEXANDER B. WRIGHT, 0000
COURTNEY D. WYCKOFF, 0000
NEAL B. WYNN II, 0000
JAMISON YI, 0000
LUKE R. YLITALO, 0000
NEBYOU YONAS, 0000
JEFFERSON T. YOUNG III, 0000
MATTHEW S. YOUNGBLOOD, 0000
AMGAD H. YOUSSEF, 0000
DANIEL R. ZAPPA, 0000
JOHN J. ZAVALETA, 0000
BRIAN M. ZIEGLER, 0000
DANIEL M. ZONAVETCH, 0000