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Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Holy, holy, holy, Lord God Almighty. Heaven and Earth are filled with Your glory. Praise and thanksgiving be to You, Lord most high. Ruler of the universe, reign in us. Creator of all, recreate our hearts to love You above all else. Provider of limitless blessings, may we never forget that we have been blessed to be a blessing. Sovereign of our Nation, we commit our lives to You. We surrender the false idols of our hearts: Pride, position, power, past accomplishments. Without You, we could not breathe a breath, think a thought, or devise a plan. May our only source of security be that we have been called to be both Your friends and Your servants. You are the reason for living, the only one we must please, and the one to whom we are ultimately accountable. With united minds and hearts, we dedicate the work of this Senate to You. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM BUNNING, a Senator from the State of Kentucky, led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BUNNING). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Missouri is recognized.

SCHEDULE

Mr. ASHCROFT. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 12:30 p.m. today. At 12:30, the Senate will recess for a party caucus meeting until 2:15 p.m. It is hoped that the Senate will receive the HUD-VA appropriations conference report and/or the continuing resolution from the House by early afternoon. The Senate may also have a procedural vote with respect to the bankruptcy reform bill during today's session. Therefore, Senators can expect up to three votes this afternoon. As usual, Senators will be notified as votes are scheduled.

I thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each and with the time to be equally divided between the two leaders or their designees.

Under the previous order, the Senator from Missouri, Mr. ASHCROFT, is recognized to speak for 15 minutes.

The Senator from Missouri.

REMEMBERING GOVERNOR MEL CARNAHAN

Mr. ASHCROFT. Mr. President, today I rise with a deep sense of sadness. As you all are aware, on Monday night Missouri's Governor, Mel Carnahan, was killed in a tragic plane crash. Also killed in the crash were the Governor's son, Randy Carnahan, and the Governor's long-time aide, Chris Sifford. My wife Janet and I join with all Missourians in mourning these deaths. We express our deepest sympathies to the Carnahan and Sifford families. We will continue to pray that God will grant these families comfort, healing, and strength in this time of great sorrow. This is a time when the Carnahan and Sifford families must bear the burden of a tragedy so unexpected and so profound that each of us

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feels their loss. That our Senate campaign could have ended so tragically is shocking.

As the collective heart of Missouri mourns the loss of a leader, this is a time for unity and common purpose in Missouri. We, as both a State and Nation, join together to mourn the loss of Governor Carnahan—a committed public servant. Although we were competing for the same office, Governor Carnahan and I had a unique relationship united by the common bonds of public service and respect for the people of Missouri. We both were honored to be sons of educators. We both loved time spent with our families on our farms.

Governor Carnahan and I also shared a commitment to the greatest promise for our Nation's future: the education of our children. We committed to the commonsense idea that to continue our prosperity, we should invest part of the Federal surplus in educating America's children. That is a theme which I will pursue with intensity here in the Senate. Governor Carnahan has always been present and accounted for when duty called. He served as a member of the United States Air Force. He was a municipal judge. As a member of the State House of Representatives, he served as majority flood leader. He was elected State Treasurer in 1980, Lieutenant Governor in 1988, and Governor in 1992. He was highly respected and the State prospered during his time as Governor.

As we absorb the blow of this tragedy, we should be reminded of what truly is important in life—commitment to God, to family, and to our fellow citizens. These were the commitments of Mel Carnahan. He served the people of Missouri with dignity and honor for more than four decades. I will remember him, and all of Missouri will remember him, for his dedication to his family—as a husband, a father, and a grandfather. We are all grateful that Mel Carnahan was willing to spend his life serving the people and the State of Missouri. I again extend my deepest sympathies to Governor Carnahan's wife, Jean, and to his family. Our prayers are with them in this time of great loss.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I join my colleague from Missouri in telling the family of Mel Carnahan how deeply sorry we all are.

It must be a terribly difficult time for the citizens of his State, for his family, and for everyone who knew him. I hope we can carry on his tradition, one about which he talked so much in the last four decades, of making sure all of our children get a good education and the people of this great country have the opportunities about which he cared so deeply.

I thank the Senator from Missouri.

EDUCATION

Mrs. MURRAY. Mr. President, I have come to the floor today to talk about education.

In the past month, students across our country have gone back to school. They have entered schools where there are health and safety hazards, and they are trying to learn in classrooms that are overcrowded. They are competing for the time and attention of a teacher, and they are looking to us for support.

I am frustrated to say this, but as this session of Congress draws to a close, this Congress has done very little to support those children across this country. This Congress, for the first time in 30 years, has failed to reauthorize the Elementary and Secondary Education Act. That is a disservice to students who are trying to learn in overcrowded classrooms, to students who are stuck in crumbling schools, and to students who do not feel safe at school.

We can't pass ESEA reauthorization; it is too late. But we do have one place to make it up: in the final funding plan for the upcoming fiscal year.

There are kids out there counting on us to do the right thing, and we need to pass a budget that addresses their needs. That is why I have come to the floor today, to urge my colleagues to do just that.

As I look back on this session of Congress, I am frustrated by the way this process has broken down. We have been updating our national education policy for about 30 years. It has always been a bipartisan and productive process—but not this year. This year, the ESEA reauthorization was stalled by sharp partisanship. We had a chance to make a lot of progress, but this Congress failed.

We weren't able to update our Nation's education policy to meet the needs of today's classrooms. As a parent, as a former educator and a former school board member, that is discouraging. What is even more discouraging is some of the talk that we have heard on the campaign trail this year. Not long ago, Governor Bush said that our country is experiencing a ''recession in education.'' I have thought a lot about that statement. To the teachers who are working harder than ever, it certainly doesn't feel like a recession. In fact, I think Governor Bush has it exactly backward. A recession is where there is a slowdown in economic activity, when production and employment decline, when there isn't much demand, when workers are idle and factories are slow. That is a recession.

But that is not what is happening in education today at all. Our schools are not slowing down; they are working harder than ever. Our classrooms aren't empty; they are overcrowded. Our teachers aren't being idle because they are not needed; they are needed more now than ever. It is not that demand has slowed. The demands on our schools are higher than ever. The problem is our investment has not kept up. Any enterprise or business that wants to stay in business invests in its people, invests in the latest equipment, invests in capital projects, so that the capacity will keep up with the demand. That is what we have to do. But for some reason, when it comes to our schools, we have not made those investments. We have let schools that were built 40 or 50 years ago simply decline. We have let great educators leave the classroom because they are frustrated by a system that doesn't give them the support or respect they deserve.

Governor Bush, we are not in an education recession; we are in a period of explosive growth and growing demand in the classroom, and we need to make the investment to meet that growing demand. Governor Bush has the problem backward and that is why he has come up with the wrong solution. As a parent of two students who went to public school, I can tell you I don't want our next President to close down my school; I want him to make my school better. You don't do that by bashing public schools. You do it by investing in the things that we know work in the classroom.

I have said it before and I will say it again: Our schools are facing overwhelming challenges with inadequate resources. Our public schools are not failing, but by failing to invest in them this Congress is failing our public schools. We need to give our schools the resources, the tools, and the support to meet today's challenges.

There are important needs in my home State in classrooms. Sitting here in the Chamber, it is easy to forget the challenges that schools face across the country. If this Chamber is about to go into recess without making an investment in education, it needs to hear directly from people on the front line. So I decided to read a few letters I have received from students and teachers in my home State of Washington.

Kristen Jensen Story is a parent and a teacher at White Center Heights Elementary School in the Highline School District. At her school, the majority of the students live in public housing and come from homes where English is not the first language.

She tells me:

> We have been working hard to make sure these children succeed and become contributing citizens to our great Nation. The need for Federal public education funding is greater now than ever before.
>
> We have the money. The Federal budget is forecasted to have a $1.9 trillion surplus over the next decade. Make the funding of public education a national priority.

Let me read another letter. This one is from Becky Scheiderer, a teacher from the Bethel School District in Washington State.

She writes:

> Children cannot wait another session.

She goes on to explain some of the challenges her school is facing:

> Our students need to continue the successful programs, such as Title I, special education, and smaller class sizes to work with these students inclusively.

Our district is growing, and we need schools constructed soon.

Our teachers, students and staff need safe schools to work in for 7.5 hours a day.

The need for Federal funding is even greater now than ever before.

Those are some of the real challenges facing our schools, and you don't fix them by bashing educators; you fix them by making an investment in the things that we know work.

I want to turn to a few investments that we should be making in our final budget plan. It is our last chance this year to do the right thing for America's students. Let me start with making classrooms less crowded. We know our classrooms are overcrowded and we know that students can learn the basics, with fewer discipline problems, in less crowded classrooms.

Parents know it, students know it, teachers know it, and studies show it.

Two years ago, we made an investment in making classrooms less crowded. I am pleased to report that the investment is paying off for America's students. It is making a positive difference in their education. We gave local school districts the money to go out and hire more than 29,000 new qualified teachers for the early grades. And today, 1.7 million students are learning in less crowded classrooms.

Our goal is to hire 100,000 new teachers. You would think that with the success we have had so far, there would be no question that we would keep our commitment to reducing class size. But that is not the case in this Congress. Right now, there is no guarantee that schools across the country will have funding guaranteed to reduce classroom overcrowding. Some of my colleagues on the Republican side say we don't need to commit money for class size reduction. They say if schools want to hire teachers, let them take the money out of title VI funding.

Reducing overcrowding should not be done at the expense of something else. That money should be there—guaranteed to make a positive difference for students.

In this debate, two things have been forgotten. First, part of the Federal role is to help disadvantaged students. The class size program is set up to target funding to low-income schools. If you dump that program into a block grant, there is no guarantee that it will be focused toward disadvantaged students. Title I, homeless and migrant education programs are all targeted to ensure that disadvantaged students get the help they need. A block grant offers no guarantees.

The second point overlooked in this debate is the importance of accountability. Under a block grant, there is no guarantee this money will go to hire new teachers.

Block grants mean less accountability. Right now, we can show that money was spent and how it is making a difference. If the money is block granted, we have no idea if it is making classrooms less crowded. Today, everybody is talking about accountability, and the best way to ensure accountability is to show that Federal dollars are being spent in a specific, targeted way to reach a specific goal. If we put Federal education funding into a block grant, there is no way to keep that money accountable. Class size is just one of the areas in which we need to invest.

Let me mention another: school construction and modernization. Today, too many students enter school buildings that are crumbling or that have major safety hazards. In fact, 7 million students attend schools with safety code violations, including the presence of asbestos, lead paint, or radon in ceilings or walls. Almost 16 million students in this country attend schools without proper heating, ventilation, or air-conditioning. And too many of our schools don't have the technological infrastructure to meet our students' needs. For example, in our poorest schools, only 39 percent of classrooms have Internet access. We need to pass legislation that will give local school districts the financial help they need to build new schools and to modernize old ones.

I want to turn to teacher quality. We can help ensure that every teacher in America is fully qualified and has the tools and the support to help our children reach their full potential. Today, there are thousands of world-class, high-quality teachers in our schools. They are professionals. They care deeply about the quality of our children's education, and any of us would be lucky to have our children learn from them. But the current system makes it harder and harder for teachers to really do their best. Instead of offering them the support they need to make a difference, the current system puts roadblocks in front of too many teachers.

Teachers and parents have told me that the main challenges are the three R's: recruiting great teachers, retaining great teachers, and rewarding great teachers.

We need to recruit young people into the teaching profession. We need effective, ongoing, professional development programs that are aligned with local standards and curricula. We need efforts to boost pay for great teachers and to raise respect for educators. In the closing weeks of the 106th session, we should be supporting efforts to improve teacher quality.

Finally, the subject of accountability. We should not accept defeat or give up on our Nation's schools. We need to identify schools that need extra help and turn those schools around.

It is late in the legislative process, and we are in a rush to end this year's session. Let's remember one thing. America's students didn't create this rush. I am standing here today and I will be fighting to make sure that our students are not penalized because this Senate failed to do its work. I know my colleagues are eager to go home, but we still have time to do the right thing. We still have time to support the work that local educators, students, and parents are doing. The way to do it isn't to bash public schools but to put Federal dollars where they will help the most and to keep those dollars accountable. The way to do that is to invest in things that we know work, such as smaller classes, modern facilities, fully qualified teachers, and accountability. It is not too late to do the right thing.

Parents, teachers, and students across this country are counting on us to do our part as a responsible Federal partner. Let's not let them down.

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

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

106TH CONGRESS

Mr. THOMAS. Mr. President, I think the focus today, as we move toward the appropriations bills, is education. It has been a focus during this whole Congress. I saw some figures that we spent a total, in the 106th Congress, of 5 weeks talking about education. That is indicative, I believe, of the importance all citizens place on education. I don't think anyone would say education isn't a very high priority for everyone.

The question is, How is the role of the Federal Government best created? In my view, one of the important things is to have some assistance from the Federal Government, to have some financial assistance. We also are in a system where people move about and are educated in one place and work in another place. There has to be some continuity or accountability that each of us is educated enough to be able to be successful.

One of the most important issues is who makes the decisions with regard to individual school systems. I think the Republicans, working on this side of the aisle, have had a very strong agenda for education, returning control to the parents for sending dollars to the classroom, dollars to States and local school boards so they can make the decisions that are necessary to be made in that particular school, give families greater educational choice, support exceptional teachers, and focus on basic academics, stressing accountability.

I have always thought, as a member of the Wyoming legislature, we cannot have a good school system without the dollars. Dollars alone do not necessarily result in a good school system. There has to be some accountability as well.

Of course, on the Federal level, the needs in Chugwater, WY, are quite different from those in Pittsburgh. Many

things are that way. There needs to be flexibility; in one particular school, perhaps what is most needed is to build a new school or replace the old school; in another school, what is needed is computers, teacher training, or more academic materials. ''One size fits all'' does not work. Frankly, that has been the underlying difficulty in this entire debate.

The President of the United States will be here this afternoon pushing for his plan so bureaucrats in Washington can decide and dictate what the Federal dollars are spent for. On the other side of that argument, we have given more dollars to the budget than even the President asked for. We are saying those ought to offer flexibility so local people can decide the best use for the dollars, yet with accountability for the taxpayers' dollars.

The Democratic approach has been a series of mandates: 100,000 federally funded teachers, federally funded school construction, federally funded afterschool. All those are fine if that is the priority in your particular school district. However, we are not in the business of having a bureaucracy in Washington make those decisions.

There have been difficulties moving forward:

The Taxpayer Relief Act, vetoed by the President, over $500 million in family tax relief—families could have used that money at any level to have supported schools;

Passing the Ed-Flex bill, with Federal requirements being waived if they are interfering with what they seek to do.

These are the items we are debating with regard to education.

We are, hopefully, near the end of this session. We will wind up next week. We have accomplished quite a number of things. Some people talk about a do-nothing Congress, which absolutely is not the case. The Republicans have balanced the budget, pushed forward and obtained the balanced budget in 1998, the first time since 1969 we have had a balanced budget. We saw that because of some restraints on spending, because of the flourishing economy bringing in more dollars. Nevertheless, it is the first time we have had enough dollars to balance the budget outside of Social Security dollars. We have changed the deficits to surpluses and lowered interest rates, paid down the debt $360 billion over the past 3 years.

In addition to that, of course, at the same time, Republicans have lowered the tax burden over the next 5 years. The tax cuts will provide the average household with almost $2,000 in tax relief. We enacted the $500 child tax credit that keeps $70 billion in the checking accounts for 25 million families. These are important things. We created the individual retirement accounts with IRAs to help families save more money, help people prepare for their own retirement, so that Social Security is a supplement, as it was designed to be.

The Republicans have stopped the raid on the Social Security trust fund and set aside Social Security funds so that they will be spent on Social Security and not borrowed and spent for other programs. We need to ensure that continues to be the case.

Welfare has been reformed and has helped Americans go back to work. In 1995, there were 13 million Americans on welfare. In 1996, there was reform, helping more than 6 million of those, nearly half, to be now employed—to be able to sustain themselves. That is really the purpose of Government programs. It is not to have a continuing source of relief but to provide an opportunity to help people help themselves, which not only is a good issue governmentally but, of course, individually it is something that is so important.

We strengthened the military. More needs to be done. We find ourselves in the situation where we have had more military deployments out of this country over the past 6 or 8 years than we have ever had in the past. We find ourselves, of course, in sort of a semipeaceful time but with a voluntary military, so we have to be able to compete somewhat with the private sector in pay so people will join. It is not only in the recruiting, of course, but the maintenance of people who have been trained so they will stay in the military. We have done that. We need to do more, of course.

We need to change the military. Our needs are different than they were 20 years ago. We are not going to see ourselves having to send 12 divisions with tanks somewhere. We are going to see ourselves with smaller, more flexible combat units moved quickly to a place with enough support to stay there for some time.

These are some of the things that continue to be important. I hope we continue to focus on them. Our job now, of course, is to get out about three or five more appropriations bills and fund those programs. I am a little discouraged at the amount of spending we have had this time. Much of that has come from pressure from that side of the aisle and the White House. They will not agree to appropriations bills unless they have all the things in them the President wants. He is entitled to do that. But this is one of the three units of Government, a separate unit. We ought to do those things we think are right and the President can do what he thinks is right. But I hope we do not get ourselves into a position where the President is deciding what we in the Congress do. That is not the system. We ought not be doing it that way.

I look forward to us moving forward, completing our work, and coming back with a new Congress, able to take a look at where we are going. I hope each of us, as Americans, gives some thought to where we would like to be, where we would like to see these various programs go—regardless of which you are looking at; whether you are looking at education; whether you are looking at reregulation of electricity; whether you are looking at the military. One of the difficulties is we move forward many times and make decisions that impact those issues without having a very clear-cut image of where we want to go. It is a little like Alice in Wonderland where she was wandering around and no one was able to tell her anything. She finally saw the Cheshire cat. There was a fork in the road and she said, ''Which one should I take?'' The cat said, ''Where are you going?'' ''I don't know,'' Alice replied. The cat said, ''Then it doesn't make any difference which road you take.''

That is true. So we need to come with an idea of what our goal or mission is, where we want to end up over a period of time in education, and what are the steps we can best take to ensure that happens. Regarding Social Security, where do we want to be in 20 years or 30 years? These people who are paying in 12.5 percent of their salaries into Social Security, are they going to have benefits 40 years from now when they are entitled to them? Not unless we make some changes.

The choices are fairly clear. You can raise taxes; people are not excited about that. You can cut benefits; that is probably not a good idea. One of the alternatives we are pursuing, and there may be others, is to take a portion of the Social Security dollars that have been paid in over time by younger people to make that decision for themselves—take a portion of that and have it invested on their behalf in their accounts in the private sector so the return, instead of being 2.5 percent, could be 5 percent or 6 percent.

People say: Well, look at the market now. Look at the market over time. The market over each 10-year period has grown fairly substantially.

So these are some of the things I hope we consider. I hope we consider them promptly so we are out next week.

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. KENNEDY. 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. KENNEDY. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business.

Mr. KENNEDY. Is there a time limitation?

The PRESIDING OFFICER. The Senator has 31 minutes.

Mr. KENNEDY. I thank the Chair.

FOCUSING ON PRIORITIES

Mr. KENNEDY. Mr. President, as we are coming into the final hours, the final days of the Senate session, there are still a number of measures which

need focus and attention and priority. I welcome the leadership that is being provided now by the President and a number of our colleagues to try to make sure that before we leave town we try to remedy a situation that has developed since we passed the Balanced Budget Act in 1997. Included in that balanced budget effort were cuts that were directed to the health care providers. It was estimated at that particular time that the cuts would be about $100 billion. What we have found out over the last several years is that the projected cuts have been well over $200 billion. As a result, there have been unintended consequences that have developed.

It seems only fair that when we look at the steps that were taken in the past that resulted, and continue to result today, in some very dramatic adverse impacts to a number of different providers in our health care industry, that we remedy that situation. It is particularly important to remedy their situation when we have the fortuitous economic situation in terms of the surplus that we are faced with.

I doubt very much—in fact, I am quite sure—that if we had known in 1997 the actual impact the projected cuts were going to have on health care providers, that those particular provisions of the Balanced Budget Act would have been successful. I am sure they would not have been successful. I certainly would not have voted for those provisions.

But I welcome the opportunity to join with a number of our colleagues to try to remedy the situation. It is the responsible thing to do. It is absolutely necessary. It is not only affecting many of our excellent health care providers in our urban areas, but it also reaches out to many rural communities.

We have had an excellent presentation from our friends as to what these cuts have meant for rural health care and rural health care providers. Let me mention, for a few moments, what is happening to some of the different health care providers now.

We are very fortunate in Massachusetts to have some of the best teaching hospitals in the world. These teaching hospitals are the backbone of our quality health care system in America and the world.

We are facing many challenges in our health care system. The most obvious one today is a Medicare prescription drug benefit. That is the challenge that comes first to the minds of people when we talk about health care needs and needed changes in our Medicare system. That is a very legitimate challenge. We think of our Patients' Bill of Rights. Many of us deplore the fact that we have not addressed these issues in the Senate.

It is irresponsible that we have not taken action on a Patients' Bill of Rights. Although we have a majority of the Members of the House and a majority of the Members of the Senate in favor of a strong Patients' Bill of Rights, still we are denied the opportunity of addressing the issue. We know that every day we fail to do so, there are tens of thousands of Americans who are suffering as a result.

We are unable to free ourselves from the power of the HMO industry to successfully pass legislation that would allow doctors to make health care decisions, unfettered by the decisions of bean counters from the HMOs who are more interested in profits than in the health of individuals. That is certainly one very important issue. I think we fail in this Congress by the fact that we have not addressed it.

I am constantly amazed as I travel around my State, and the States of Pennsylvania and New York and a few other places where there are candidates running for Congress. One of the first pieces of legislation they say they support is a Patients' Bill of Rights, which obviously has nothing to do with the strong Patients' Bill of Rights that has been supported by more than 300 health providers representing women and children and the disabled, cancer research groups, the doctors, the nurses, the medical professionals. That is one issue. The second, as I mentioned, is a prescription drug benefit.

We also are now focusing on teaching hospitals. These are the hospitals that provide the training and teaching for our future medical professionals including doctors, some of the applied health professionals, and advanced practice nurses. We have the best teaching hospitals in the world. We ought to keep them healthy, not endanger them. By not providing a healthy and robust provision in legislation in these final 2 days, we risk endangering our teaching hospitals.

What do these teaching hospitals do? No. 1, they provide the best teaching. Secondly, they provide about 30 percent of the indigent care in our country, primarily—obviously—in the communities in which they serve. They play a very important role in providing health care to those who have no health insurance. Third, they are also the places that are developing the new technologies and techniques used in treating some of the most complicated cases. From there the research disseminates; other hospitals and other health care delivery centers benefit from the research done at teaching hospitals.

These teaching hospitals are really the jewels of our health care system, and we cannot put them at risk. And they are at risk. The proposal that is being advanced by the Republicans is basically a nice blank check to the HMOs, the industry that is leading the fight against the Patients' Bill of Rights. Yet there is no guarantee that they will continue to provide health care to people in our society or to Medicare recipients. More than 900,000 Medicare recipients will be dropped from HMOs next year. Yet we find the Republicans shoveling billions of dollars into HMO coffers without any assurance that they will use those resources to look after the elderly. The Republicans are shoveling the funds into HMOs rather than investing in a prescription drug program for our seniors.

We know we have the teaching hospitals on the one hand. Next we have the community hospitals. The community hospitals are the backbone of health care delivery in our communities. They are the primary health delivery provider in communities all across this country. They have an irreplaceable position. They are exceedingly hard pressed and stressed in being able to perform this function. They need some relief. Any legislation ought to have provisions in it to help provide needed assistance to community hospitals.

Then there is the home health care system—the visiting nurses, home health care agencies. We have seen a significant decline in home health care agencies and home health care services generally. At a time when our senior population is going to double over the next 20–25 years, we are seeing a significant decline in home health care services, which makes absolutely no sense. We end up finding out that if patients aren't going to be able to receive home health care services, they will have to go into the more costly hospitals and nursing homes. It makes no sense from a health standpoint, and it certainly makes no sense from a humane standpoint.

Our nursing homes are facing bankruptcy in increasing numbers. We have seen scores of bankruptcies of nursing homes in my own State of Massachusetts. The number of nursing homes going bankrupt is increasing every single day. They are in desperate straits. Not only are they in desperate straits, but other health care providers, such as the hospice program that provides such important help and assistance to those who have terminal illnesses, are in desperate straits as well.

It isn't just those of us who have these facilities in our States. We have heard eloquent statements from those who come from rural areas. We want to work with them as well. We are not trying to rob Peter to pay Paul. We ought to have something that is going to address the needs of rural areas, and we welcome the opportunity to work with our colleagues.

Under the leadership of Senator DASCHLE and Senator REID, Senator MOYNIHAN on the Finance Committee, Senator BAUCUS, and others, an excellent program has been developed from our side. We want to try to make sure that that is going to be considered. We don't want to be shut out of the process, as we are shut out of a lot of issues here.

We have heard a good deal of debate about desiring bipartisanship. Well, for a good part of the time I have been in the Senate, when we had these kinds of matters that needed to be discussed or debated, we had Republican and Democratic leaders working these matters

out with the Administration. But we are finding out that this apparently is a solo flight by our Republican friends, to the great disadvantage of our health care system. That makes no sense.

The President has indicated he would veto this early proposal that has been put forward by the Republicans as a nonstarter. I certainly would defend that position and welcome the opportunity to discuss it or debate it, whatever will be necessary, because their proposal just does not do the job. It is one of the key remaining issues we have as we come to the end of this session.

Finally, I do hope we will be able to have included in the final wrap-up in our balanced budget refinement the Grassley-Kennedy bill that helps parents of children who have disabilities. Last year, in a bipartisan effort, we developed legislation that permitted those individuals who were disabled to go into the labor market and not lose their health insurance. We had a good debate on it. We passed it. Now we find people saying, Why did it take you so long? What is happening is these individuals are moving towards greater independence and self-reliance. They are becoming taxpayers and paying into the public system rather than just drawing from it. It has taken a good deal of time to achieve, but it has been enormously important.

What we are saying now, Senator GRASSLEY and I—and I pay tribute to Senator GRASSLEY for the hard work he has done on this in the Finance Committee—is help parents who have children with severe disabilities. So many parents have children who have severe disabilities. The parents are unable to take any increase or any enhancement of their own pay because if they do, they will no longer qualify for Medicaid. And if they no longer qualify for Medicaid, they lose the health care they get for their children under Medicaid, and they can't afford the health care bills. These parents have to refuse pay increases and advancement to remain below the income levels for Medicaid coverage. Of course, this not only does an enormous disservice to that individual but also to the other members of the family.

Many of these children with severe disabilities have brothers and sisters, yet the parent still has to work at a wage below the Medicaid level in order to qualify for health coverage of their children. It makes no sense. It is wrong. We have legislation that will address it, and we hope that will be considered.

We say once again that the proposal our Republican friends are putting forth is a nonstarter, because we know what they are trying to do; that is, to give a great bundle of cash—so to speak a blank check—to the HMOs that have been resisting our ability to take actions to protect American patients. It makes no sense. It is unfair, and it is fundamentally wrong.

We are going to do everything we can to try to fashion a proposal that is balanced, fair, and that really meets the health care needs of our people.

EDUCATION AND HEALTH CARE

Mr. KENNEDY. Mr. President, on Tuesday night the American people witnessed the third and final Presidential debate between Vice President AL GORE and Governor Bush.

We are now less than 3 weeks away from the election. As the debate demonstrated, the choices for the American people could not be clearer.

Are we going to continue the economic prosperity of the past 8 years? Or are we going to waste it on excessive tax breaks for the wealthiest one percent of Americans?

I remember in 1981 when the economic program of then President Reagan came to the Congress. It had the same kind of rhetoric around it. We are going to cut all of the taxes and increase defense spending and balance the budget, all at the same time. During that period of time, only a handful of us voted against it. It was so clear and obvious at that time that we were going to move into large deficits, which we eventually did—deficits in the hundreds of billions of dollars.

I am always amused to hear from others who say it really wasn't the establishment of economic policies; it was just the American energy. If it had been the American energy, why wasn't it the American energy when we were running up deficits? It is quite clear that you had two entirely different economic policies that were being followed. One was a disaster.

I am always interested in the fact that it was President Bush who called Ronald Reagan's proposal ''voodoo economics.''

Now we are coming right on back again to that similar kind of proposal of excessive tax breaks for wealthy individuals. That is the heart and soul of the Bush proposal, although it was difficult to quite understand what it was following the debate the other evening.

Are we going to continue to have balanced Federal budgets? Or are we going to return to the bad old days of trickle-down economics that created the biggest deficits in our history?

And perhaps most importantly—are we going to stand with working families to make the critical investments in education and health care that are needed to help children, help parents, help working men and women, and help senior citizens in their retirement years?

These issues are critical not only for the Presidential race but in Congress as well.

Governor Bush and the Republicans like to talk education and health care. But look what has happened in this Congress. For the first time in 35 years, they have not reauthorized the Elementary and Secondary Education Act. They are 3 weeks late in providing the needed funds for the Nation's public schools.

The time has expired. The new fiscal year is here. Yet we haven't done our business. We always leave the appropriations bill which funds the schools in this country for last.

It is always interesting to me to hear and watch these promises that are made by the Republican leadership on education.

On January 6, 1999, Senator LOTT said:

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

On January 29, 1999, he said:

> But education is going to have a lot of attention, and it's not going to just be words.

On June 22, 1999 the Majority Leader stated:

> Education is Number one on the agenda for Republicans in the Congress.

On February 1, 2000 he said:

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

On February 3, 2000:

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

On May 1,2000:

> This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

Why don't you bring up the appropriations to fund education? Why is it 3 weeks late? Why is it the last appropriations bill? Why is it that we didn't reauthorize it? Don't come and tell American families that education is number one in your priorities when for the first time in 35 years we don't have a reauthorization.

What is the Republican leadership going to do? They are calling the bankruptcy bill back up—the bankruptcy bill. We had 14 days and 55 amendments on that bill. But that isn't enough. They are going to call that up later on for a vote this afternoon. They are going to try to jam that bill, which benefits a small group of credit card companies, rather than deal with the education of American families. That is their priority. Any American family can understand that.

We are here. We are prepared to deal with the education program. Oh, no. We can't do that. We are going to go back to bankruptcy which is so important. Important for whom? Important for the credit card companies. Just as in their patients' bill of rights, they have not been able to quote a single health organization in the country that supports them because it is fraudulent. Every health group in the country supports the proposal that was passed by a bipartisan majority in the House of Representatives, and that was supported by the Democrats and a few Republicans in the Senate. Every health organization—over 300 of them.

Now we have the industry itself saying no, no—the HMOs saying don't pass the good bill, because we don't want it. Now what happens? The credit card industry says they want this bill. And

what happens? The Republican leadership is trying to jam that right down here. What has happened to education in between? Not only are we not reauthorizing it, but we are not funding it. It is 3 weeks late already.

What happened to children in this country? If they hand their homework in 3 weeks late, they would be in the principal's office. They would be getting some kind of discipline in any school in the country. But, nonetheless, we are 3 weeks late. We haven't reauthorized it, and the appropriations have not been finished.

I hope our friends on the other side are going to ease off when they talk about how committed their party is on education. I hope they are going to at least have the decency not to try to say: Oh, yes. We are really interested in education—we really do care about it.

I was here when one of the first things the Republican leadership did in 1995 was to rescind some $1.7 billion that had been appropriated—the greatest rescission on any single bill that I can remember in my service in 38 years. On what subject? Education. Who offered it? Republicans. How many supported it? Virtually the whole Republican Party.

I was here a few years later after we were able to dull some of those rescissions when they came back and tried to abolish the Department of Education. Who offered it? Republicans. Who supported it? The Republican Party. Who opposed it? We did. Not just because it is an agency, but because many of us believe that any President ought to have in the Cabinet office someone talking about education every time that Cabinet meets.

That is why we need a Department of Education. We have a department for housing. We have a department for the interior lands of this country. Many believe we ought to have a department for education. Not the Republicans. No, they wanted to abolish it.

We have the rescinding of education funding. We have proposals to abolish the Department of Education. We have the refusal to authorize the Elementary and Secondary Education Act, and we have the denying of funding of the existing law—3 weeks late. That happens to be the record.

Now, we watched the other night the Republican candidate for office talking about how concerned they were. I wish he had called up our majority leader and said: Look, I am interested in education; why don't you take that up?

Let's take up our proposals. We know what they are. We are prepared to vote on them. We are prepared to take those to the American people. Why isn't the other side prepared to do it? What are they so frightened of? What are they so scared of?

All we have is silence. We have this empty Chamber where all of these other deals are going on—All these other deals that are not on education. They are on how we can try and get bankruptcy that will basically undermine families who in many instances are hard pressed, mothers who have not been able to get their alimony or child support and are going into bankruptcy. Half the bankruptcies are a result of health care costs for older workers. We cannot wait in order to draw out the last few dollars from those individuals for the credit card companies and shuffle aside education. That is what is happening. The American people ought to begin to understand it.

The Republican leadership keeps on saying how important education is. On July 10, 2000 the majority leader said:

> I, too, would very much like to see us complete the Elementary and Secondary Education Act. . . . I feel strongly about getting it done. . . . We can work day and night for the next 3 weeks.

On July 25, 2000 he said:

> We will keep trying to find a way to go back to this legislation this year and get it completed.

Mr. President, SAT scores are the highest in 30 years. They have not moved up greatly, but they are going in the right direction for males and females. Of course, it isn't going in the right direction in the State of Texas. Texas falls below the national average on SAT scores between 1997–2000. The national scores are going up a little bit in the right direction. Texas is going along in the wrong direction for SAT scores.

We have heard a great deal about what happened to the children in the State of Texas, being 48th of 50 for the number of children that are covered by health insurance. The other night, Governor Bush was talking about what a high priority they put on education and what they have done on education.

This tells the story. These are the SAT scores, standard scores. This reflects the national average moving up over the last 3 years, while Texas has been moving down the last 3 years. We don't have any explanation. I know the Vice President didn't want to appear negative, but the fact is, I don't think drawing out what the records are should be considered negative. These are the facts. The American people ought to be able to understand them. The national average has gone up; in Texas the scores have gone down.

I was here 30 years before we ever had a vote on education. We had Democratic chairs and Republican chairs. We had Senator Stafford, the education chairman of our committee; Senator Pell was the chairman. During that period of time, education was never a partisan issue. The American people don't want it to be partisan. But it is now. It is when you refuse to let us debate it and abide by the outcome. That is wrong. We ought to fund the education for the children in this country. The Republican leadership has not done it. We ought to be dealing with the education reauthorization prior to bankruptcy and other priorities, and the Republican leadership refuses to do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

EDUCATION

Mr. BENNETT. Mr. President, I listened with interest to my colleague from Massachusetts. I am always interested as he holds forth on these issues about which he feels passionately, and I congratulate him on his passion.

I have a similar commitment to education but a rather different view of things. Let me review again, as I have in this Chamber before, my own experience with respect to education that causes me to come to a different opinion and a different position than that of the senior Senator from Massachusetts.

As I have related to the Senate before, I was happy in a business career when I received a phone call that asked me to serve as chairman of the Strategic Planning Commission of the Utah State Board of Education. That got me into educational issues and actually started me down the road out of corporate life and into public life, ultimately leading me here to the Senate.

Apropos of the things that the Senator from Massachusetts has said, I share an experience I had that resonated with the comment that Governor Bush made the other night. The Senator from Massachusetts has already referred to the debate between the two Presidential candidates, so I think it is appropriate I should go there, as well.

We started, in my education about what happens in education by talking about the money. That is always a good place to start. Start with the numbers, start with the dollars. The dollars pretty much drive everything else.

I looked at the various things that were being done in the State of Utah, some of which struck me, as a businessman, as being maybe a lesser priority than some other areas. I asked the question: Who sets the priorities? Who determines that we spend more money on topic A than topic C? I was told, that is the Federal Government. The Federal Government puts up matching funds and requires that the States come up with their match, and the Federal Government determines that topic A will be topic A, topic B will be topic B, and so on.

I looked at some of the programs. I said, we would be better off in Utah if we spent that money on something else. Our needs in Utah are different than the needs in other States. Maybe it is nice to have the Federal dollars, but why don't we tell the Feds, sorry, we won't take your dollars for topic A, because for us topic C or topic D should be topic A, so we will forego the Federal dollars, and we will take the money that we have been forced to put up as matching dollars and spend it on our priorities.

The fellow who was briefing me on this kind of smiled at how naive I was, how foolish a notion that was. He said:

You can't do that. The Federal Government will sue you and will win. They have already sued States that tried to do that and won.

So if the Federal Government says this is what you have to spend your money on, then you have no choice but to do that, even if it is not in the best interests of the schoolchildren in your State.

That was a disappointing thing for me to realize, but I thought: OK, we are dealing with 50-cent dollars here, at least. We are putting up matching funds. So the Feds put up 50 cents and we put up 50 cents, so it is not hurting us quite as badly to be spending 50-cent dollars on a project we would not have chosen.

Once again, smiles of indulgence on the part of the fellow who was briefing me. He said:

No, no, you don't understand, BOB. The State doesn't put up 50 cents. The State puts up 80 cents, the State puts up 90 cents. When we say matching dollars, we don't mean matching dollar for dollar; we mean the Feds put up 5 percent or 10 percent or, if they are feeling really generous, 15 percent or 20 percent. But the States are required to put up the rest of it.

I thought: That is really not fair. That is not a good deal. That is controlling the direction of education everywhere with a small amount of money. I thought: There is something wrong with that. I looked into it. I found that the only program where the Federal Government puts up half or more of the money in so-called matching funds is school lunch—which is not an educational program; it is a welfare program. I have nothing against school lunch. Indeed, I recognize that there is a great need for school lunch. I am a supporter of school lunch. But let us not stand here and say that, because the Feds put up more money for school lunch percentagewise than anything else, they are making a major contribution to education.

When Governor Bush was speaking about this the other night, he made this point that went by many people but that I would like to focus on here. He said the Federal Government puts up about 6 percent of the money but they control—if my memory is correct from what the Governor said—60 percent of the strings.

I don't know whether that 60 percent is exactly right, but it is in the ball park, and I will use that figure because that is what my memory says. Six percent of the money, but they control 60 percent of the strings that are attached to that money. So the people in Utah, Colorado, or Arizona or, yes, Massachusetts, have to jump through the Federal hoops with the 96 cents that they put into every dollar spent on education, jumping through at the dictate of the people who put up the 6 cents.

Here is the fundamental difference we need to confront when we have this debate on education, the fundamental difference between the Republicans and the Democrats, between those who are demanding we put more money into the present system, as does the Senator from Massachusetts, and those who are saying let's experiment a little bit. The fundamental difference is, Who should be allowed to call the shots? The people closest to the problem, the people facing the children day by day, the people administering the schools on a regular basis in their home communities? Or the people in Washington, DC? Who should make the ultimate decisions about education?

Let me make it clear, I am not calling for the abolition of the Department of Education. The senior Senator from Massachusetts would seem to be very upset that somebody suggested we abolish the Department of Education. I have never made that suggestion, so I am on his side on that one. I agree there should be a voice at the Cabinet level talking about education. But I do not think the voice at the Cabinet level that is talking to the President about education should be the voice at the school board level, talking to the principal of the school where my grandchildren go about education.

I have to talk about my grandchildren now because all of my children have graduated. All of them are out of school, out of college, raising families, pursuing careers. But there was a time with six children—seven, actually, because we had a foster child in our home for 4 years—when I spent a lot of time at school board meetings. I went to school board meetings and listened to them discuss the budgets. I recognized that there were differences within the school district, between schools. I heard them debate about how they were going to take care of problems in this middle school that were different from problems in that middle school. I recognize that is where the rubber meets the road. That is where the decisions have to be made. That is where the problems really arise.

I do not think there is anybody in Washington who can differentiate between the problems in this middle school in the Las Virgenes School District in California, where my children went, and that middle school in Las Virgenes School District in California where my children went. I don't think there are very many people in Washington who have ever heard of the Las Virgenes School District in California where my children went. That is the issue. That is what we are talking about.

The Senator from Massachusetts says the Republicans don't care about Massachusetts because all they do is block all of our efforts to go forward with a massive Federal program in education. Yes, we do try to block some of those efforts. Not because we are saying the Federal Government should have no role in education, but we are saying the Federal Government should begin to trust people at the local level to make their own decisions. It is a fundamental difference. We saw it in the debates the other night. We are saying it on the floor now.

Whom do you trust? Do you trust the Federal Government and the Federal bureaucracy and the Federal Department of Education as the ultimate authority as to what should be done or do you trust the people who are closest to the problem to decide what should be done? It should be a partnership, not a dictatorship. It seems to me someone who puts up 6 percent of the money, who then controls 60 percent of the decisions, is getting close to dictatorship and not partnership.

At the State level, I found myself resenting it. Now that I have come to the Federal level, I bring that bias with me. I continue to resent it. I continue to think we would be better off if we said those who are putting up 6 percent of the money have an opinion, have a role to play, they have a function they can perform that no one else can perform, but when it comes to the nitty-gritty of the daily decisions, those who are putting up 6 percent of the money should yield to the decisionmaking power of those who are putting up 94 percent of the money and doing virtually 100 percent of the work.

Let's look at this Congress. The Senator from Massachusetts attacked the record of this Congress on education and said we have not done anything. We have. For example, we passed the education savings accounts which would have put more power in the hands of individuals and parents. Once again, the fundamental difference: Whom do you trust?

The education savings account bill, which was cosponsored by the chairman of the Democratic Senatorial Campaign Committee, the Senator from New Jersey, Mr. TORRICELLI, would have put more power in the hands of individuals, and the President vetoed it. The President vetoed an education bill on the grounds that it would have taken power away from the Washington establishment and put power in the hands of the parents.

It is not fair to stand here on this floor and say, regardless of the decibel level at which you say it, that this Congress has done nothing about education, because we have passed education bills that the President has vetoed and he has vetoed it on this basic issue.

Straight A's: This is a bill, we call it the Academic Achievements for All Act—Straight A's Act. It was supported by the Senator from Georgia who used to occupy this place on the Senate floor, Mr. Coverdell.

The Democrats blocked it. The Democrats said the President will veto it. The Democrats said: No, we cannot allow this kind of flexibility at the local level. We must continue to dictate to the local people what will happen with respect to education.

Once again, those who put up 6 percent of the money control 60 percent of the strings, and they are using their 6 percent of the money to dictate to the people at the local level how things should be.

I remember the debate on the Elementary and Secondary Education Act. We have had that debate. I regret that it did not result in the passing of the act, but one of the reasons it did not result in the passing of the act was because of blocking efforts on the part of the Democrats to a Republican proposal that would have given States, on an experimental basis, the opportunity to try something new. There was no dictating in the position of the Senator from Washington, Mr. GORTON, that said States have to try this. His amendment said if a State thinks the present system is wonderful, the State can continue to receive money with the present system. They can continue to accept those 60 percent of the strings. They can continue to do exactly what they are doing.

What if a State does not want to do it quite that way? What if a State wants to experiment in a very tentative fashion with something new? Let's give them the opportunity to try it. The senior Senator from Massachusetts was one of the first to take the floor and roar that we must not allow that kind of experimentation. We must not allow anyone to try anything different.

Look at the States that are making progress. And, yes, look at the State of Texas. Look at the progress that has been made among Hispanic students, the progress that has been made among black students—the progress that has been made among minorities generally in the State of Texas. It leads the national average. It is a record of extremely beneficial accomplishment, and it is taking place in the early grades where it needs to take place because if you wait until the time they get to the SAT scores, it is too late.

If you want to look at SAT scores, you are looking at high school students, and the high school students in Texas were cheated by the administrations in Texas that were there prior to the time Governor Bush took over. It is in the lower grades where they are seeing the fruits of the activities in Texas where they are trusting people, trusting the locals, giving the opportunities that need to be given to those who need education the most.

The white middle-class suburban kids do pretty well in this country in almost every State in which they live. The real educational crisis is among the minorities. The real educational crisis is among those people who live in the inner cities and do not have the opportunities that come to the white middle-class suburban kids. Let's be honest and straightforward about that.

It is very interesting. Who has led the fight, which seems to upset the senior Senator from Massachusetts more than any other, for experimentation with vouchers? It has been Polly Williams, an inner-city representative of a minority, a black member of the State legislature. She comes from Milwaukee, and she has led the fight not for the rich, not for the upper 1 percent, not for the other groups that have been demonized in this political campaign. She has led the fight for poor inner-city kids. She has won the fight, and the fight in Milwaukee is over. If you run for an educational position in Milwaukee now, you better be for vouchers because the public has seen it and has embraced it, and it is now the strong majority position.

It comes down to this fundamental question when we talk about money: Do you want to fund the individual or do you want to fund the system? We say let's fund the individual and let the individual take the money wherever he wants to go. They say: Oh, no; that's terrible. He might take it to a—dare we say it?—religious school. He might take the money in such a way that violates the separation of church and State. We can't have that.

In what is considered the most successful social program since the Second World War, we did exactly that. We gave the money to individuals, and we said to them: We don't care what you do with it; just use it to get an education. I am talking, of course, about the GI bill. When we said to the GIs who came home from World War II, ''We are going to give you money to go to school,'' we did not say, ''We are going to pick the institutions that will receive this money and then you go petition for it.'' We just said if they served in the Armed Forces, they have the money under the GI bill of rights. And if they wanted to go to Notre Dame and study to be a Catholic priest, they could do that and nobody was going to claim that was somehow a violation of the separation of church and State.

We said if they want to take the money and go to Oral Roberts University, they could do that. It may well be Oral Roberts University did not exist under the GI bill—I am not sure—but the principle still holds. If they wanted to go to Harvard, if they wanted to go to Wellesley, if they wanted to go to Ohio State University, or if they wanted to go to Baylor or Southern Methodist—they pick the school and the money follows the individual, giving the individual power, and America is the better for it. That is what we are talking about here. The money should go where it will do the individual the most good and not be controlled out of Washington that puts up 6 cents out of every educational dollar and then wants to make 60 percent of every educational decision.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:29 p.m., the Senate recessed until 2:17 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Missouri.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. BOND. Mr. President, I ask unanimous consent that the Senate now begin consideration of the conference report to accompany H.R. 4635, the VA–HUD appropriations bill, notwithstanding the receipt of the papers, and it be considered as having been read and the conference report be considered under the following agreement: 30 minutes under the control of Senator GRAHAM of Florida, 10 minutes equally divided between Senators BOND and MIKULSKI, 20 minutes equally divided between Senators DOMENICI and REID, and 10 minutes equally divided between Senators STEVENS and BYRD. I further ask consent that at the conclusion or yielding back of time, the Senate proceed to vote on adoption of the conference report without any intervening action, motion, or debate.

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

The Senate proceeded to consider the conference report.

(The report was printed in the House proceedings of the RECORD of October 18, 2000.)

Mr. BOND. Mr. President, for the information of all Members, let me point out that at the request of the leadership on both sides of the aisle, we are moving forward and hope to have a vote, certainly no later than 3:30 this afternoon, because we do need to get this measure passed, as well as several others.

I will take just a few minutes of my time now. I am pleased to present to the Senate the conference report to H.R. 4635, the VA–HUD appropriations bill for fiscal year 2001. As I indicated previously, this has been a very unusual year. The conference report represents the compromise agreement reached with Senator MIKULSKI, Congressman WALSH, Congressman MOLLOHAN, and myself, in consultation with the administration.

Certainly it is not a perfect situation. It is not the way I would like to do the bill. I would prefer to proceed

with passage of the VA–HUD appropriations bill in a more customary manner. Nevertheless, with the assistance of the leaders of the committee, and the leadership, we have brought the bill to the floor. I think it is a good and balanced compromise that I believe addresses the concerns of our colleagues, both in the House and the Senate, while striking the right balance in funding programs under the jurisdiction of the VA-HUD appropriations subcommittee.

The conference report totals approximately $105.8 billion, including $24.6 billion in mandatory veterans benefits, some $1 billion over the Senate committee-reported bill and almost $1 billion less than the President's budget request. Outlays are funded at roughly $110.8 billion for the current fiscal year, $540 million over the Senate committee-reported bill.

We did our best to satisfy priorities of Senators who made special requests for high-priority items, such as economic development grants, water infrastructure improvements, and the like. Such requests numbered several thousand, demonstrating the high level of interest and demand for assistance provided in this bill.

We also attempted to address the administration's top concerns, including funding for 79,000 new housing vouchers, as well as record funding for EPA at roughly $7.8 billion.

I am not going to summarize the bill today. We have done that before when the Senate passed the identical bill on October 12. The conference between the House and Senate has now confirmed that legislation.

I think everyone has had an opportunity to review the bill.

I offer my sincerest thanks to my ranking member, Senator MIKULSKI, and her staff for their cooperation and support throughout the process. Particularly, I thank Paul Carliner, Sean Smith, and Alexa Mitrakos from Senator MIKULSKI's staff. I obviously could not have done it without the good leadership and hard work of my team: John Kamarch, Carrie Apostolou, Cheh Kim, and Joe Norrell.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to all those allocated time.

The PRESIDING OFFICER. The time will be charged to all sides. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. 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 now wish to use time allotted to Senator STEVENS under the agreement just reached. He has agreed to delegate that time to me.

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

IMPROVING EDUCATION

Mr. BOND. Mr. President, I rise to speak on another very important appropriations bill that has been addressed on this floor and is being considered. That is the debate on education in the Labor-HHS bill. We want to see that important bill moved forward, get passed and signed by the President.

It is clear that the two sides of the aisle have very differing views on how we ought to go about improving education. Let us all agree that improving education should be our national priority. We on this side happen to think it is a local and State responsibility, but it is a national priority, the top national priority.

Now, one side of the aisle trusts the Federal Government to make the decisions. The other side of the aisle, our side, trusts the parents and teachers, the school districts, the school board members, to make those decisions. This side of the aisle seems to base its decision on whether we are successful in education on the total dollars spent. Our side would judge success on academic achievement of students. This side of the aisle believes accountability comes in successfully filling out paperwork, jumping through the hoops that Washington lays out for school boards and teachers. Our side believes accountability is based on academic achievement.

Our friends on the other side of the aisle believe that the Olympians on the Hill—Capitol Hill, that is—know what is best for the folks down in the valley. Our side believes that the great ideas, accomplishments, and actions occur on the local level and that the Olympians on the Hill should watch and learn.

My colleagues on the other side of the aisle and the Vice President talk a good game. Let me give you my view on what is going on. First, they have talked about the 100,000 teachers program, the school construction program. They have proposed to set aside billions of dollars for these programs alone and not allow flexibility that we strongly believe should be rested in the hands of the local schools, the parents who are served by them, and their children, and the people who run them.

I support reduced class size. I campaigned for Governor on that basis. I know there are many school districts around the country that need new school buildings. However, as one of my colleagues on the other side of the aisle said, I want to do the right thing. I agree with that. I know our children and parents and schools are counting on us, in my view, to get out of the way and let them do the job they are not only hired to do but they are dedicated to do.

We saw in the first debate what happens when Washington tries to make decisions for what is best in local schools. Vice President GORE told a terrible tale about this young girl who had to stand up in class. After the debate, we found out that she had to stand up or she had to have a chair brought in for 1 day because they had $100,000 worth of new computers. The school superintendent said that getting a place for her to sit was not really the problem. I understand he mentioned something about school lunches in another school district, and very quickly some of the folks from that school district said that is not the problem at all. That is not to say—and I am not saying here—that the Vice President didn't hear real concerns, that he made them up.

I am just saying: How are we here in Washington, how is the Federal bureaucracy, how is the Department of Education, and how are those of us who are sitting here in this room trying to make decisions for local schools all across the country supposed to know what the problems are in the Sarasota School or the Callaway County R–6 school in Missouri or a school district in California or a school district in Washington or a school district in Maine?

There is a lot of talk about 100,000 new teachers. That proposal sounds good. It is a great slogan to use when you are trying to gain national headlines. But when you look at the formula, trying to find out whether it works, it doesn't work.

I traveled around to school districts and talked to school boards and teachers and administrators. Let me tell you how that formula works in Missouri. The Gilliam C–4 School District would get $384; the Holliday C–2 School District would get $608; the Pleasant View R-VI School District would get $846.

I first heard about this problem from a small school district when someone in that room said: We would get enough money for 11 percent of a teacher. One other person in the room said: We would get enough money for 17 percent of a teacher. They haven't quite figured out how to use 11 percent of a teacher or 17 percent of a teacher or how to spend $846 on a teacher.

Over 175 school districts in the State of Missouri would receive less than $10,000 under this program. Surely you don't think they are going to be able to hire a teacher to reach that 100,000 new teacher goal for less than $10,000.

Many of the schools have already addressed classroom size at the expense of other things.

Yet my colleagues on the other side of the aisle oppose giving them the flexibility to utilize these resources in another manner which may suit their needs but which doesn't fall into the dictates of the one-size-fits-all solution that Washington is being pushed to propose by the administration and by my colleagues on the other side of the aisle.

They are saying that we are not providing the school the resources to do what they need to do because Washington is trying to tell them what their priorities should be without knowing why that girl had to stand up or sit on a stool brought in for that one classroom.

Our colleagues on the other side of the aisle and Vice President GORE advocate taking billions of dollars off the

table for thousands of schools across the country. To me, the issue is simple. We must give our States and localities the flexibility to use the resources to improve our public education system and to make decisions at the local level.

UNANIMOUS CONSENT AGREEMENT

Mr. BOND. Mr. President, on behalf of the leader, I ask unanimous consent that following the debate on the HUD-VA conference report, notwithstanding the receipt of the papers, the Senate proceed to the continuing resolution and that it be considered under the following agreement, with no amendments or motions in order: 20 minutes under the control of Senator DORGAN; 10 minutes equally divided between Senators STEVENS and BYRD.

I further ask unanimous consent that at the conclusion or yielding back of time the Senate proceed to vote on adoption of the joint resolution, without any intervening action, motion, or debate.

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

Mr. BOND. Mr. President, in light of this agreement, two back-to-back votes can be expected to occur sometime between 3:30 and 4 o'clock this afternoon.

I yield floor.

The PRESIDING OFFICER. Who yields time?

Mr. KERREY. Mr. President, what is the order of business?

The PRESIDING OFFICER. The time is reserved.

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

Mr. BOND. Mr. President, I must object to speaking in morning business. We reached an agreement to utilize this time. Perhaps my colleague could gain time.

All right. I am advised by the staff that Senator DORGAN might be willing to yield some of his 20 minutes to the Senator. If that is agreeable with my colleague from Nebraska, I would be happy to give up Senator DORGAN's time.

Mr. KERREY. I thank the Senator.

Mr. President, I revise my unanimous consent to ask unanimous consent to speak for up to 10 minutes under Senator DORGAN's time.

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

IRAQ

Mr. KERREY. Mr. President, at Pier 12 in the Norfolk Navy Base, along with the Presiding Officer in Norfolk, VA, I joined 10,000 others to mourn and to pay our respects to the families of 17 U.S. Navy sailors who were killed or who are missing following the explosion that ripped into the portside of U.S.S. *Cole* as she was preparing to set anchor in the Yemen Port of Aden.

It was one week ago today at fifteen past midnight that a routine port call became a violent killing of 17 Americans, the wounding of 34 more, and the disabling of a billion dollar destroyer.

In attendance at the ceremony to honor those lost on the *Cole* were many Members of Congress, Attorney General Janet Reno, National Security Adviser Sandy Berger, the Secretaries of Defense and the Navy, and the uniformed commanders of the Navy and the Marine Corps. In a gesture of Yemen's cooperation, their Ambassador to the United States, Abdulwahab A. al-Hajjri, was also present.

As I sat and listened to the powerful words of President Clinton, Secretary of Defense Cohen, Chairman of the Joint Chiefs Shelton, and others, I looked at the solemn faces of the Naval officers and enlisted men who stood on the decks of the aircraft carrier U.S.S. *Dwight D. Eisenhower* and two of the *Cole*'s sister ships, the destroyers *Ross* and *McFaul* and wondered how long the unity we felt would last? How long would the moving stories of the lives of these 17 young Americans bind us together?

Their stories define what makes America such a unique place. President Clinton captured it perfectly:

> In the names and faces of those we lost and mourn, the world sees our nation's greatest strength. People in uniform rooted in every race, creed and region on the face of the earth, yet bound together by a common commitment to freedom and a common pride in being American.

They were bound together by other common characteristics. Sixteen were enlisted men and women; the lone officer was an ensign who had served more than a decade in the enlisted ranks. None were college graduates, though many saw the Navy as a means to that end. They were from small towns and Navy towns, the places where patriotism burns bright and crowds still form to remember on Memorial Day and Veterans Day.

I watched young widows and brothers and fathers cry without restraint or shame when President Clinton read the rollcall of the fallen heros. Sadness gripped me as once more I thought of lives that ended too soon knowing their dreams would not now come true.

Chief of Naval Operations Admiral Clark appropriately reminded us that risk is a part of all sailors' lives. When going out to sea, there is never certainty of a joyous homecoming. Death is a frequent visitor in Navy households. Loss is never a complete surprise.

However, in this instance it was not the unpredictable ways of the ocean or the violence of a storm that ended these American lives. No, in this instance the killer was a highly sophisticated, high-explosive device set and detonated by as yet unknown villains.

There were words from our leaders that addressed the anger we feel in the aftermath of this tragedy. From President Clinton: ''To those who attacked them we say: you will not find a safe harbor. We will find you, and justice will prevail.'' From Secretary of Defense Cohen: ''This is an act of pure evil.'' And from General Shelton: ''They should never forget that America's memory is long and our reach longer.''

Yet, this desire for vengeance is as misplaced as it is understandable. Vengeance is one of the things a terrorist hopes to provoke. Such acts of vengeance—especially when carried out by the United States of America—are bound to provoke sympathy for our enemies. If we are to give meaning to the sacrifice of these men and women, we must take care not to allow the bitter feelings to govern our action.

While we await the results of a combined U.S.-Yemeni effort to find out who was responsible for this attack, let me challenge the idea that the attack on the *Cole* was a pure act of terrorism or criminal action. In my opinion it is not. In my opinion, it is a part of a military strategy designed to defeat the United States as we attempt to accomplish a serious and vital mission.

This is the third in a series of violent attacks on the United States dating back to the car bombing of Khobar Towers in Saudi Arabia at 10 pm, on Tuesday, June 25, 1996, that killed 19 United States Air Force Airmen and wounded hundreds more. The second attack occurred on August 7, 1998, when U.S. Embassies in Dar es-Salam, Tanzania, and Nairobi, Kenya were bombed. These attacks wounded more than 5,000 and killed 224, including twelve Americans who were killed in the Nairobi blast.

I believe all three of these incidents should be considered as connected to our containment policy against Saddam Hussein's Iraq. The *Cole* was heading for the Persian Gulf to enforce an embargo that was authorized by the United Nations Security Council following the end of the Gulf War in 1991.

In order to evaluate this incident and put it in its larger context, I had to relearn the details of the action of Gulf War and its aftermath. The Gulf War began on August 8, 1990, when United States aircraft, their pilots, and their crews arrived in Saudi Arabia. Two days earlier the Saudi King Fahd had asked Secretary of Defense Cheney for help. Saudi Arabia was afraid that Iraq's August 2 invasion of Kuwait would continue south. Without our help they could not defend themselves. Desert Shield—a military operation planned to protect Saudi Arabia—began.

At that time, General Norman Schwarzkopf was Commander-in-Chief of Southern Command. On September 8, 1990, he ordered Army planners to begin designing a ground offensive to liberate Kuwait. His instructions from President Bush were to plan for success. We were not going to repeat the mistakes of the Vietnam War. On November 8th, President Bush announced that a decision had been made to double the size of our forces in Saudi Arabia. On November 29, the UN Security Council voted to authorize the use of ''all means necessary'' to drive Iraq from occupied Kuwait. On January 12, 1991, Congress authorized the President to use American forces in the Desert Storm campaign.

The campaign began at 2:38 AM on January 17 with Apache helicopters equipped with anti-tank ordnance. The next day Iraq launched Scud missiles against Israel. The first U.S. air attacks, flown out of Turkey, were launched and were continued until February 24 when the ground war began. The ground war was executed with swift precision and was ended at 8 AM on February 28 when a cease fire was declared.

The purpose of the Gulf War—to liberate the people of Kuwait—had been accomplished in an impressive and exhilarating display of U.S. power and ability to assemble an alliance of like-minded nations. Afterwards, Iraq was weakened but still led by Saddam Hussein. In their weakened state, they agreed to allow unprecedented inspections of their country to ensure they did not possess the capability of producing weapons of mass destruction. The United Nations Security Council voted unanimously to impose an economic embargo on Iraq until the inspections verified that Iraq's chemical, biological, and nuclear programs were destroyed.

Contrary to popular belief, the military strategy to deal with Iraq did not end with the February 28, 1991, cease fire. It has continued ever since with considerable cost and risk to U.S. forces. In addition to the embargo, the United States and British pilots have maintained no-fly zones in northern and southern Iraq designed to protect the Kurds and Shia from becoming victims of Saddam Hussein's wrath. The purpose of both the embargo and the no-fly zones is to ''contain'' Iraq so that Saddam Hussein does not become a threat in the region again.

Unfortunately, this containment object was doomed from the beginning. And while we have begun to change our policy from containment to replacement of the dictator, change has been too slow. The slowness and uncertainty of change has increased the risk for every military person who receives orders to carry out some part of the containment mission.

There are three reasons to abandon the containment policy and aggressively pursue the replacement of Saddam Hussein with a democratically elected government. First, it has not worked; Saddam Hussein has violated the spirit and intent of UN Security Council Resolutions. Second, he is a growing threat to our allies in the region. Third, he is a growing threat to the liberty and freedom of 20 million people living in Iraq.

As to the first reason, under the terms of paragraph Eight (8) of United Nations Security Council Resolution 687 which passed on April 3, 1991, Iraq accepted the destruction, removal, or rendering harmless of its chemical, biological, and nuclear weapons program. Under the terms of paragraph Nine (9), Iraq was to submit to the Secretary-General ''within fifteen days of the adoption of the present resolution, a declaration of the locations, amounts and types of all items specified in paragraph 8 and agree to urgent, on-site inspection'' as specified in the resolution.

From the get-go, Saddam Hussein began to violate this resolution. Over the past decade, he has slowly but surely moved to a point where today no weapons inspectors are allowed inside his country. As a consequence, he has been able to re-build much of his previous capability and is once again able to harass his neighbors. All knowledgeable observers view Iraq's threat to the region as becoming larger not smaller.

As to the third reason—his treatment of his own people—there is no worse violator of human rights than Saddam Hussein. The people of Iraq are terrorized almost constantly into compliance with his policies. His jails are among the worst in the world. His appeal for ending sanctions on account of the damage the embargo is doing to his people rings hollow as the food and medicine purchased under the Oil-for-Food Program goes undistributed. Desperately needed supplies sitting in Iraqi warehouses while construction continues on lavish new palaces demonstrates that Saddam Hussein has no real interest in the welfare of his people. Rather, he maintains their misery as means to make political points.

If these reasons do not persuade, consider what happened in the other two cases when the United States was attacked. In 1996 we sent an FBI team to Saudia Arabia to investigate Khobar Towers. The investigation led to improving security on other embassies but no other action was taken. In time we have forgotten Khobar. In 1998 following the attack on our embassies in East Africa we sent Tomahawk missiles to bomb a chemical factory in Khartoum, Sudan, and Osama Bin Laden's training compound in Afghanistan. Neither had the decisive impact we sought and may—in the case of Sudan—have been counterproductive.

For all these reasons, I hope we will direct the anger and desire for vengeance we feel away from Yemen and towards Saddam Hussein. I hope we will begin to plan a military strategy with our allies that will lead to his removal and replacement with a democratically elected government. This would allow us to end our northern and southern no-fly zone operations, remove our forces from Saudi Arabia, and cease the naval patrols of the Persian Gulf. I can think of no more fitting tribute to the 17 sailors lost on-board the *Cole* than completing our mission and helping the Iraqi people achieve freedom and democracy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I understand I have with Senator REID 20 minutes equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Senator REID is not here, but I understand he might want some time. I yield myself 8 minutes.

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

Mr. DOMENICI. First, I say to the distinguished Senator from Nebraska, I don't know if I will have an opportunity again to be on the floor when the Senator makes a speech on the Senate floor because I don't know where the next 5 or 6 or 8 days will bring us. But I want to tell the Senator thanks for all he has done while he has been here. You have been, as you were in the military, a hero; you have taken some tough stands.

While not a budgeteer, as I am, you have chosen to express yourself many times in terms of the great concern you have for the outyear, the long-term effect of some of our entitlement programs, and actually you have expressed yourself that maybe appropriations are not getting enough money. That is perception, with reference to the Federal Government, of a very, very right kind.

Mr. KERREY. If I could respond to say the Senator from New Mexico and any of my colleagues who are uncomfortable and wish I would not do this, if I had not done this the last 6 or 7 years, it is the fault of the Senator from New Mexico. You and Senator Nunn came repeatedly to the floor, I think, in 1990, 1991, 1992, and 1993. I think in 1990, 1991, and 1992 I voted against you, but in 1993 the light bulb came on. It takes me a while to learn, I say to my friend from New Mexico, but I appreciate very much your leadership on these issues.

Mr. DOMENICI. Mr. President, I rise today to discuss the Energy and Water Development Appropriations Act which is included in this conference report along with the VA-HUD appropriations bill.

The energy and water bill is a very good bill that has unfortunately had a difficult path toward enactment. The bill originally passed the Senate by a vote of 93–1 on September 7. The Senate then approved the original energy and water conference report by a vote of 57–37 on October 2. However, the President vetoed that bill because of a provision intended to prevent increased springtime flood risk on the lower Missouri River—a provision the President had signed the previous 3 years.

Whatever the reason, it was vetoed, it came back to us, and now it is in a conference form. I regret it has taken so much of our time and taken so long to get done but it is a very good bill.

Earlier today, the House passed the conference report by a vote of 386–24, and I hope the Senate will also overwhelmingly support the conference report.

Senator REID and I, along with Chairman STEVENS and Senator BYRD, have worked hard to prepare an outstanding bill that meets the needs of the country and addresses many of the Senators' top priorities.

The Senate and House full committee chairmen were very supportive and have provided the additional resources at conference that were necessary to

address many priority issues for Members. They have allowed the House to come up $630 million to the Senate number on the defense allocation ($13.484 billion), and the Senate nondefense allocation to be increased by $925 million.

I would now like to highlight some of the great things we have been able to do in this bill.

The conference report provides $5.0 billion for nuclear weapons activities within the National Nuclear Security Administration, an increase of $370 million over the request and $580 million over current year.

The additional funds are required to meet additional requirements within the aging nuclear weapons complex, and reflects the conferees' concern about the state of the science-based Stockpile Stewardship Program. As it is now, the program is not on schedule, given the current budget, to develop the tools, technologies and skill-base to refurbish our weapons and certify them for the stockpile. For example, we are behind schedule and over cost on the production of both pits and secondaries for our nuclear weapons. The committee has provided significant increases to these areas.

When we use the term ''Stockpile Stewardship Program,'' we are talking about a program that the United States has put in place to make sure that our weapons systems are indeed safe, reliable, and that we do not have to do underground testing to confirm that. In fact, we have not been doing testing because the Congress of the United States said we should not. To supply the information necessary to keep the stockpile strong, reliable, and safe, this science-based Stockpile Stewardship Program was put in place. It has a few more years before we will have it proved up and then we will look at it carefully and make sure that it does the job.

This does not mean we are making nuclear weapons, for we are not. It will come as a surprise to some who are listening that the United States makes no nuclear weapons and we have not for some time. Nonetheless, we must keep in place the infrastructure and the things that are necessary in the event we have to do that, because of a failure of our program called science-based stockpile stewardship or some other untoward event that might occur in the world.

Furthermore, DOE has failed to keep good modern facilities and our production complex is in a terrible state of disrepair. To address these problems, the mark provides an increase of over $100 million for the production plants in Texas, Missouri, Tennessee, and South Carolina.

But it is not just the physical infrastructure that is deteriorating within the weapons complex, morale among the scientists at the three weapons laboratories is at an all-time low. For example, the last 2 years at Los Alamos have witnessed security problems that greatly damaged the trust relationship between the Government and its scientists. Additionally, research funds have been cut and punitive restrictions on travel imposed. None of this seems to move in the right direction, in fact, they probably did not help.

As a result, the labs are having great difficulty recruiting and retaining America's greatest scientists. To help address this problem, the conference agreement has increased the travel cap from $150 million to $185 million, and increased laboratory directed research and development to 6 percent.

The travel restrictions which have become so burdensome were put in because, somehow, we thought if we didn't let scientists travel they wouldn't go to meetings in Taiwan and China and someplace like that and exchange secret information. Clearly, travel restriction has become a very onerous burden, for good scientists working for universities or otherwise do travel. That is part of their growing up, maturing, and once they are mature and great scientists, they go there to show their fellow scientist what the past has put into their minds.

The conference agreement also includes a compromise proposal that allows work on the National Ignition Facility, a major laser complex to be used for nuclear weapons stewardship work, to continue. That project is funded at $199 million, $10 million below the request of $209 million. Of that amount, $70 million is fenced pending the project meeting a number of milestones by March 3, 2001.

The conference agreement also includes several provisions to strengthen and clarify the operation of the National Nuclear Security Administration. The conference report includes provisions to give the Administrator a 3-year term of office, prohibit the ''dual-hatting'' of NNSA and DOE employees, and limit the authority of the Secretary of Energy to reorganize the statutory structure of the NNSA.

I tell the Senate they have to do some very difficult things by March 15 or they do not get the fenced funding that is in this bill.

For defense nuclear nonproliferation activities within the NNSA, the conference report provides $874 million, which is $8 million above the request and $145 million over current year. This amount of funding again shows the Congress' strong support of a broad variety of efforts to stem the proliferation of nuclear materials and expertise from the former Soviet Union.

For other programs within the Department of Energy, the conference agreement provides $422 million for solar and renewables, which is $33 million below the request but $60 million over current year.

For nuclear energy, the conference report provides $260 million, $28 million below the request. The decrease is due to a transfer of cleanup obligations to the Office of Environmental Management. Nuclear power R&D actually increased significantly over current year.

The conference report provides $6.8 billion for environmental cleanup at DOE sites across the country. That is $56 million over the request and $496 million over current year.

For the Office of Science, the conference report provides $3.19 billion, $24 million over the request and $400 over current year. The conference added over $300 million in order to address significant shortfalls that existed in both the Senate and House bills. The conference agreement includes full funding of $278 million for the Spallation Neutron Source in Tennessee.

On the water side of the bill, the conference report provides $4.5 billion for water resource development activities of the Army Corps of Engineers, including $1.7 billion for construction activities, and $1.9 billion for ongoing operation and maintenance activities. The total Corps number is $461 million over the budget request and $415 million over the enacted level for fiscal year 2000.

The conference agreement includes funding for approximately 40 high priority new construction starts across the country. While the recommendation is a significant increase over both the budget request and fiscal year 2000 level, it should be pointed out that there is a $40 to $50 billion backlog of authorized projects awaiting construction.

Regarding the construction account of $1.7 billion, although it is $350 million above the request, it is within the range of the current year construction level of $1.6 billion.

The conference agreement provides $776 million for activities of the Bureau of Reclamation. That is $25 million below the budget request and $23 million over the funding level for fiscal year 2000. No funding is included for the California Bay-Delta restoration due to the lack of program authorization for fiscal year 2001 and future years.

The conference agreement includes funding to initiate a small number of new water conservation and water recycling and reuse projects. Finally, the conference agreement provides funding for a number of independent agencies.

For the Appalachian Regional Commission, the conference report provides $66.4 million, $5 million below the request but slightly above the current year. For the Denali Commission, the conference report provides $30 million, compared to $20 million provided in the current year. For the Delta Regional Authority, the conference report provides $20 million for the initial year of funding, a reduction from the request of $30 million. For the Nuclear Regulatory Commission, the conference report provides $482 million, the amount of budget request. The conferees have also included a provision extending and revising NRC's fee recovery authority. The revised fee structure will reduce fees gradually over 5 years to address fairness and equity issues raised by licensees.

Overall, this is an outstanding energy and water conference report. We have made a good faith effort to address the concerns raised in the President's veto message and I believe we have a bill that the President will sign.

Suffice it to say, we have been able in this bill to keep the Corps of Engineers moving ahead, to have projects in the States that many Senators requested that we believe feel are very solid projects. Without the extra money given to us in the allocation, we would have been unable to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, the Senate is now considering the combined VA/HUD and Energy and Water appropriations bills. This combined bill follows the pattern established by previous appropriations bills considered by the Senate. Looking first to the VA/HUD appropriations bill, in the fiscal year 2000 that ended September 30 of this year, the appropriation for these accounts was $99.2 billion.

We had committed ourselves to a standard of previous year appropriations plus inflation. The Consumer Price Index has risen 3.5 percent over the past year. Making that adjustment, we would have set as a target for the VA–HUD bill an appropriation this year of $102.7 billion. In fact, the bill we are about to vote on has an appropriation of $105.5 billion, or approximately $2.8 billion over the standard that has been set. This budget represents an increase from fiscal year 2000 to fiscal year 2001, not of the 3.5-percent inflation but, rather, of 6.4 percent.

Looking at the second bill which has been added to the VA–HUD bill, which is the energy and water appropriations bill, again in fiscal year 2000, the appropriation for this budget was $21.2 billion. Adjusting it for the 3.5-percent inflation increase, we would have had a target of $21.9 billion for energy and water. In this conference report, we are being asked to authorize spending of $23.3 billion, or approximately $1.4 billion over the scheduled maximum increase. The increase in the energy and water appropriations bill represents a 9.9-percent growth from fiscal year 2000 to fiscal year 2001.

What is the significance of this? The significance is we started with a budget plan, and the plan was that we would attempt to restrain the growth in spending to the rate of inflation. If we did that, according to the Congressional Budget Office, we would have at the end of 10 years substantial surpluses not only in the Social Security trust fund but also surpluses in general government.

There are many important events which are taking place in the world today: The tragedy of the U.S.S. *Cole*, the crisis in the Middle East and, of course, the heat of fall Presidential and congressional elections. All of these things are fighting for the attention of the American people. In that context, it is easy to understand why most Americans have not focused their attention on what is happening under this dome, but I suggest that in the autumn of 2000, some of the most important decisions for our individual and our national futures are being made in these changes.

The House and the Senate are slowly closing the curtain on the 106th Congress. As the curtain draws to a close, we are in the midst of an orgy of spending and tax cuts, an orgy which threatens the fiscal discipline that many Members of this Congress and the administration have worked so hard to achieve. Worse than the decisions that are being made, however, is the process that is being used to make those decisions.

Long gone is the normal legislative process where we had hearings on ideas in the committees with jurisdiction. We developed legislation on a bipartisan basis with amendments being offered and votes taken; Presidential consideration of individual bills; and, should the President exercise his or her veto power, further debate and congressional action to potentially override the veto; finally, the give and take of negotiation that results in bills which will secure a Presidential signature.

In the place of this normal legislative process, we now have a process—if it deserves that word—where a handful of individuals make far-reaching decisions on legislation. Those decisions are then rushed to the House and Senate floors for final votes, often without the actual language of the measure being considered available to the Members of the House and the Senate.

Lest we be overly critical of October 2000, I say sadly that, with some tactical variations, we were in exactly the same position in the fall of 1999. At that time, I wrote an article for the Orlando Sentinel which outlined my distress with what was occurring a year ago. I ask unanimous consent that this article be printed in the RECORD immediately following my remarks.

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

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, what we are now doing in the fall of 2000 is characterized by some representative examples of our excess. The Transportation appropriations conference report was not available for Members to review the night before the final vote, but at least there had been some debate on the Senate floor on the Transportation appropriations bill when it originally passed the Senate.

In the remaining days, we are going to be asked to approve measures for which there has never been Senate debate. As an example, we are going to be asked to make some significant paybacks to the providers of services through the Medicare program. This add-back legislation was never considered in the Senate Finance Committee, nor has it been considered on the Senate floor, but mark my word, we will soon be asked to vote on this substantial legislation.

The Commerce-State-Justice appropriations bill will also likely come to this body attached to an unrelated conference report without ever having been separately considered by the Senate.

I suggest we all need to grab hold of our aspirin bottles because we are likely to need plenty of those pills when we find out what is in these measures, a disclosure that is likely to occur several weeks after we have adjourned.

I ask unanimous consent to print in the RECORD immediately following my remarks a column which appeared in the October 18 Washington Post by David Broder under the headline ''So Long, Surplus.''

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

(See Exhibit 2.)

Mr. GRAHAM. Mr. President, it is hard to determine why we have fallen into this legislative abyss. It appears there is a strong desire to avoid the traditional legislative process in order to protect against having to take any votes at all, particularly any votes on controversial issues. In order to achieve that desire to avoid public commitment as to how we stand on various issues, we have abandoned all semblance of fiscal responsibility. Let me provide some large numbers.

In 1997, we passed the Balanced Budget Act which was a key step toward achieving first the elimination of the annual deficits that had become so much a part of our Nation's fiscal life and ushered in this era of surpluses.

In that 1997 Balanced Budget Act, we set a spending target for each of the future years. For the fiscal year 2001, our spending target for domestic discretionary accounts—these are the subject of the 13 appropriations bills, not taking into account expenditure for items such as Social Security, Medicare, interest on the national debt. But focusing on those things for which we in Congress have a responsibility to annually appropriate, we decided in 1997 that the spending limit for this year should be $564 billion. When the Senate passed its budget resolution in the spring of this year, we set a target, a constraint on ourselves, not of $564 billion, not even of $564 billion adjusted for some inflation, but rather $627 billion was the number to which we committed ourselves in the budget resolution.

As of today, with one appropriations bill that is an amalgamation of two bills before us and three more appropriations bills yet to be considered, we have already committed ourselves to appropriations of $638 billion. It is estimated that when those final three bills are voted on, we will likely raise the final tally of total appropriations to as much as $650 billion, or some $85 billion more than the 1997 Balanced Budget Act indicated we should be spending this year.

There has been an attempt to lay the blame for this orgy of spending at the White House step. In the Washington Post of October 13, there was an article under the headline, ''DeLay Urges GOP Showdown With Clinton Over Spending Bill,'' where the majority whip in the House made this statement:

[He] argued that Clinton is ''addicted to spending'' and that Republicans must draw the line if they hope to conclude budget negotiations next week.

Mr. President, I ask unanimous consent that that article be printed in the RECORD immediately after my remarks.

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

(See Exhibit 3.)

Mr. GRAHAM. Mr. President, I would say this is not the case; that we have both Republicans and Democrats alike entered into an enthusiastic, willing, and self-confessed role as coconspirators to the raiding of the surplus.

Our colleague from Arizona, Senator MCCAIN, stated it clearly last week when he chided his fellow Republican colleagues. ''We didn't come to the President with clean hands—we came with dirty hands,'' said Senator MCCAIN.

In another example of the lack of fiscal discipline—and it is part of the bill that we are going to be asked to vote upon this afternoon—the President vetoed the appropriations bill covering energy and water projects because there had been added to the appropriations bill a provision prohibiting, under certain circumstances, the use of funds to revise the Corps of Engineers' Missouri River Master Water Control Manual. This was not an issue of spending; it was an issue of the management of the Missouri River and who should have ultimate responsibility for that management.

Nevertheless, when this bill came back from the President's office with his veto, the response was to revise the bill by excising the provision which had led to the veto and then adding $26 million in additional water projects. This spending spree is not limited to the appropriators. Others have eagerly joined in the party.

Other spending and tax cuts which are being considered in the final hours include increases in spending for Medicare providers. I mentioned that earlier as an example of a provision that we are likely to get with no opportunity for debate or amendment. News reports indicate that this may total $28 billion over the next 5 years and perhaps as much as $80 billion over the next 10 years. We are about to be asked to do that without any debate, without any opportunity to amend or give the thoughtful consideration for which this institution is supposedly empowered.

We passed a military retiree health benefit that will add $60 billion over the next 10 years—again, with no open debate or opportunity to amend.

We repealed the Federal telephone tax, a provision that was tucked away in the Treasury-Postal appropriations bill. That will reduce revenues by $55 billion over 10 years.

I understand that there may be further proposed tax cuts that could have a cost of $200 to $250 billion over the next 10 years.

These are just examples of the almost total absence of any sense of fiscal discipline. It is possible to support many of these proposals, but I am concerned that we are operating without a blueprint. Congress is flying blind, and our plane has no global positioning system. In fact, we do not even have a hand compass to give us general direction as to where we should be going.

You might ask, What difference does it make? Why should Americans care this fall in the year 2000 as to what we are doing? Don't we have an enormous surplus? Can't we afford to do all of these things?

Americans can and do care because Congress is frittering away the hard-won surplus without a real plan for utilizing those surpluses and without addressing the big long-term problems facing our Nation.

Americans should care because by sleepwalking through the surplus, we are denying ourselves the chance to face these major national challenges.

A few days ago, the Congressional Budget Office released its long-term budget outlook. The Congressional Budget Office findings are not encouraging, but they are not surprising. That may explain why that report garnered such little attention by the media and by Members of Congress.

What were those Congressional Budget Office findings? The Federal Government spending on health and retirement programs—Medicare, Medicaid, Social Security—dominates the long-term budget outlook. Why? The retirement of the baby-boom generation will drastically increase the number of Americans receiving retirement and health care benefits. The cost of providing health care is growing faster than the overall economy. The number of Americans working to support that much larger retirement segment of our population will be essentially stabilized.

Saving most or all of the budget surplus that CBO projects over the next 10 years—using those savings to pay down the debt—according to the Congressional Budget Office, would have a positive impact on those projections of future obligations and substantially delay the emergence of a serious fiscal imbalance.

Despite the clear delineation of the long-term problems, and the even clearer outline of the short-term steps Congress can take to begin to address those problems—primarily, saving the surplus and paying down the debt—Congress seems content on frittering away the surplus.

We have an obligation to not let this happen. In fact, it is not necessary. There are some basic principles to which we could recommit ourselves which would avoid the path that I fear is about to take us over the canyon cliff.

First, we should return to that admonition that guided us so effectively just 2 years ago, and that was: Save Social Security first. The surplus should be used to pay down the debt. The kind of direction which the Republican leadership in the House of Representatives has suggested to us—that we should use 90 percent of the fiscal year 2001 surplus for debt reduction—is not only a good idea for the fiscal year 2001 but should be a guiding principle into the future until we have met that first obligation of saving Social Security first. We also need to establish some priorities.

In those ugly days of deficits, we were taught some valuable lessons. One of those lessons was the need to prioritize. The tool that forced us to do that was a requirement that for each additional dollar of spending enacted, a dollar of spending had to be reduced or a dollar of taxes had to be raised. That was a firm discipline.

The surplus has eroded that discipline. Many of the proposals being enacted in these waning days are desirable. Perhaps they are even more desirable than commitments that are already on our law books.

We are failing the American public by not having an honest, open debate about the tradeoffs that are necessary to enact these programs. If we are going to add a substantial new benefit—whether it be to Medicare providers or whether it be to military veterans—we should be prepared to answer the question, Where are we going to pay for that new commitment, either in terms of reducing spending elsewhere or raising taxes to pay for it?

We should not be eating away at the surplus which is going to be the basis upon which we can meet some of the long-term significant challenges that face our Nation.

There are few Congresses in the history of this Nation which have had such a wonderful opportunity to face and respond to important challenges to our Nation's future. Few Congresses will be judged so harshly for avoiding, trivializing, and ultimately failing to seize that opportunity.

I urge my colleagues in Congress, as well as those in the White House, to stop acting as the proverbial children in the candy store and start acting as statesmen and stateswomen. At the very least, let us follow the admonition given to all healers, which is: First, do no harm.

I regretfully announce that I will have to vote against this appropriations bill because it fails to comply with the fiscal discipline we established for ourselves, first in 1997 as part of the Balanced Budget Act and then this year in the development of our own budget resolution. I hope there will be a sufficient number of my colleagues who will join me in expressing our outrage as to what we are doing in

terms of our Nation's future, what we are doing in terms of asking our children and grandchildren to have to deal with some of the issues that will be much more difficult for them than they are for us today.

Now is the time to face the issue of dealing with these long-term commitments that we as a society have undertaken. We have the capacity to do so. The question is, Do we have the will to do so?

I thank the Chair.

EXHIBIT 1

[From the Orlando Sentinel, Thurs., September 23, 1999]

CONGRESS' SPENDING IMPERILS ECONOMIC GROWTH

In early 1993, a new U.S. Congress and a new presidential administration took office under the cloud of the largest deficit in our nation's history: $290 billion. In the past year, we have learned that five years of fiscal austerity and economic growth have transformed that record deficit into the first budget surplus in more than a generation—and paved the way for annual surpluses far into the future.

This historic reconstruction of our nation's fiscal house was no small accomplishment. Both Congress and the president made tough choices—a combination of revenue increases, spending reductions and long-term budget restraints—in stemming the tidal wave of red ink that had threatened to drown our children and grandchildren's economic future.

That fiscal life-preserver worked better than anyone could have imagined. In addition to eliminating the deficit, it powered one of the strongest economic expansions in our nation's history:

—Nineteen million jobs have been created since 1992, including more than a million in Florida.

—In the past six years, long-term interest rates have been reduced by nearly 20 percent while our national savings rate—personal savings plus governmental savings—has doubled.

—We enjoy the lowest national unemployment rate in 29 years and the highest homeownership rate in history.

But these successes do not give lawmakers license to return to the fiscally irresponsible days of the past. If anything, we face an even more difficult test in preserving the discipline that has brought us to this enviable economic position. It is a test that requires us to forego instant gratification in favor of policies that will reap benefits for future generations. Thus far, it is a test that Congress is failing miserably.

The current surplus is the result of surpluses in the Social Security Trust Fund and the federal government's annual operating budget. Congress has mishandled both. Earlier this summer, the U.S. House of Representatives passed a plan to protect Social Security by holding its surpluses in a so-called lockbox. One political pundit even asserted that this action removed Social Security as an issue for debate.

Wrong. While a lockbox seems responsible, it does nothing to extend Social Security's solvency beyond its currently projected expiration date of 2034. In fact, it numbs us to the structural changes that will be needed to preserve Social Security until 2075, a lifespan that will ensure that this important program is there for three generations of Americans.

Worse yet, Congress seems determined to exhaust the surpluses before they can even enter the lockbox. Wisely, the president has said he will veto a risky tax scheme that would deplete nearly $800 billion from the federal government's operating surplus during the next 10 years—leaving no resources whatsoever to enhance Social Security's solvency further or to strengthen Medicare.

The story gets worse when it comes to federal spending, where Congress' appetite is as voracious as ever. The historic deficit-reduction legislation enacted in 1993 and 1997 included strict discretionary-spending limits. Not surprisingly, it has been difficult to maintain these limits. But rather than dealing with this challenge in an honest manner that salutes fiscal austerity, Congress has reverted to using an escape clause that allows ''emergency'' spending to fall outside the budget limits and further deplete the surplus.

When this emergency-spending provision was originally passed, many assumed that it would be reserved for natural disasters such as hurricanes or floods, urgent threats to national security and other sudden, urgent or unforeseen needs. For the past year, however, Congress has misused its emergency-spending powers in a manner befitting the little boy who cried wolf.

In October of 1998, it stretched the emergency definition to direct $3.35 billion to the long-foreseen Year 2000 (Y2K) computer problem and $100 million for a new visitors center at the U.S. Capitol. In June of 1999, Congress added non-emergency spending items to an ''emergency'' bill for the Balkans conflict. And this fall, Congress is expected to consider an ''emergency'' bill to pay for the cost of the 2000 Census, which was ordered by our Founding Fathers in Article I of the U.S. Constitution.

It took the federal government 30 years to turn its federal budget deficit into a surplus. Yet it has taken us less than 12 months to revert to the same irresponsible behavior that produced record deficits in the first place. For the sake of our economy and our children and grandchildren's futures, I hope that the American people will demand that the 106th Congress establish a new record of fiscal prudence.

EXHIBIT 2

SO LONG, SURPLUS

(By David S. Broder)

Between the turbulent world scene and the close presidential contest, few people are paying attention to the final gasps of the 106th Congress—a lucky break for the lawmakers, who are busy spending away the promised budget surplus.

President Clinton is wielding his veto pen to force the funding of some of his favorite projects, and the response from legislators of both parties is that if he's going to get his, we're damn sure going to get ours.

As a result, said Congressional Quarterly, the nonpartisan, private news service, spending for fiscal 2001, which began on Oct. 1, is likely to be $100 billion more than allowed by the supposedly ironclad budget agreement of 1997.

More important, the accelerated pace of spending is such that the Concord Coalition, a bipartisan budget-watching group, estimates that the $2.2 trillion non-Social Security surplus projected for the next decade is likely to shrink by two-thirds to about $712 billion.

As those of you who have been listening to Vice President Al Gore and Texas Gov. George W. Bush know, they have all kinds of plans on how to use that theoretical $2.2 trillion to finance better schools, improved health care benefits and generous tax breaks. They haven't acknowledge that, even if good times continue to roll, the money they are counting on may already be gone.

To grasp what is happening—those now in office grabbing the goodies before those seeking office have a chance—you have to examine the last-minute rush of bills moving through Congress as it tries to wrap up its work and get out of town.

A few conscientious people are trying to blow the whistle, but they are being overwhelmed by the combination of Clinton's desire to secure his own legacy in his final 100 days, the artful lobbying of various interest groups and the skill of individual incumbents in taking what they want.

Here's one example. The defense bill included a provision allowing military retirees to remain in the Pentagon's own health care program past the age of 65, instead of being transferred to the same Medicare program in which most other older Americans are enrolled. The military program is a great one; it has no deductibles or copayments and it includes a prescription drug benefit.

Retiring Democratic Sen. Bob Kerrey of Nebraska, himself a wounded Congressional Medal of Honor winner, wondered why—in the midst of a raging national debate on prescription drugs and Medicare reform—these particular Americans should be given preferential treatment. Especially when the measure will bust the supposed budget ceiling by $60 billion over the next 10 years.

''We are going to commit ourselves to dramatic increases in discretionary and mandatory spending without any unifying motivation beyond the desire to satisfy short-term political considerations,'' Kerrey declared on the Senate floor. ''I do not believe most of these considerations are bad or unseemly. Most can be justified. But we need a larger purpose than just trying to get out of town.''

The Republican chairman of the Senate Budget Committee, Pete Domenici of New Mexico, joined Kerrey in objecting to the folly of deciding, late in the session, without ''any detailed hearings . . . [on] a little item that over a decade will cost $60 billion.'' Guess how many of the 100 senators heeded these arguments? Nine.

Sen. Phil Gramm, a Texas Republican, may have been right in calling this the worst example of fiscal irresponsibility, but there were many others. Sen. John McCain of Arizona, who made his condemnation of pork-barrel projects part of his campaign for the Republican presidential nominations, complained that spending bill after spending bill is being railroaded through Congress by questionable procedures.

''The budget process,'' McCain said, ''can be summed up simply: no debate, no deliberation and very few votes.'' When the transportation money bill came to the Senate, he said, ''the appropriators did not even provide a copy of the [conference] report for others to read and examine before voting on the nearly $60 billion bill. The transportation bill itself was only two pages long, with the barest of detail, with actual text of the report to come later.''

Hidden in these unexamined measures are dozens of local-interest projects that cannot stand the light of day. Among the hundreds of projects uncovered by McCain and others are subsidies for a money-losing waterfront exposition in Alaska, a failing college in New Mexico and a park in West Virginia that has never been authorized by Congress. And going out the window is the ''surplus'' that is supposed to pay for all the promises Gore and Bush are making.

EXHIBIT 3

[From the Washington Post, Oct. 13, 2000]

DELAY URGES GOP SHOWDOWN WITH CLINTON OVER SPENDING BILL

(By Eric Pianin and Dan Morgan)

After weeks of trying to accommodate the White House on key budget issues, House Republican leaders are pushing for a more

confrontational strategy over a giant health and education spending bill, the largest piece of unfinished business in the final days of the session.

Unable to resolve their differences over spending for new school construction and for hiring more teachers to reduce class sizes, GOP leaders are prepared to challenge President Clinton to sign or veto a GOP-crafted labor, health and education bill rather than making further concessions.

House Majority Whip Tom DeLay (R-Tex.), the chief architect of the strategy, has argued that Clinton is ''addicted to spending'' and that Republicans must draw the line of they hope to conclude budget negotiations next week. House Speaker J. Dennis Hastert (R–Ill.) agrees that Republicans already have made ample concessions, according to an aide.

''If it's considered confrontational to reject the idea we should just write the White House a blank check, I guess we're being confrontational,'' Jonathan Baron, a spokesman for DeLay, said yesterday.

But Senate Majority Leader Trent Lott (R-Miss.), House Appropriations Committee Chairman C.W. Bill Young (R-Fla.) and others have argued in private meetings that it would be politically risky to confront Clinton over education spending policy only weeks before the election.

Those Republicans are worried about appearing to be resisting new spending for education when Vice President Gore and Gov. George W. Bush have made education a top priority in the presidential campaign.

''I've never been an advocate of a veto strategy,'' Lott said yesterday. ''I don't understand the wisdom of running a bill down to be vetoed and then bringing it back and doing it over. For one thing, it usually grows.''

GOP leaders have put off a decision on how to proceed until next week, when they determine whether they have the votes in the House and Senate to pass the bill without Democratic and administration support. A White House budget office spokeswoman said that Clinton would not back down on his demands for increased spending for education.

The threatened showdown comes just when it appeared that the two sides were making substantial headway in completing work on the 13 must-pass spending bills for the fiscal year that began Oct. 1.

The Senate approved two packages that each carried two compromise spending bills. One combined a $107 billion measure financing veterans, housing, environment and science programs with a $23.6 billion energy and water bill. The other contains the $30.3 billion Treasury Department bill, a $2.5 billion measure to fund the legislative branch and another repealing a 3 percent federal excise tax on telephones.

The Treasury measure also would pave the way for members of Congress to receive a $3,800 pay raise in January, to $145,100.

The spending bill for veterans, housing, space and environmental programs provides much of what Clinton had sought. That includes increased funds for AmeriCorps, the president's signature national service program; the Environmental Protection Agency; veterans' health care and housing vouchers; and other subsidies for low-income families.

The energy and water bill to which it was attached was retooled after Clinton vetoed it in a dispute over water management along the Missouri River.

The pairing of unrelated appropriations bills for final passage is part of the leadership's efforts to finish work on the spending bills as soon as possible, so lawmakers can return to campaigning. Congress yesterday approved its third short-term continuing resolution that will keep the government operating through next Friday.

The festering dispute over the labor, health and education appropriations bill for the coming year has as much to do with how money will be spent as how much will be made available.

Although the $108.5 billion bill worked out by House and Senate Republicans exceeds the president's original request, Democrats say it largely reflects Republican priorities, such as health research and special education. The White House and congressional Democrats want an additional $6 billion for their priorities.

About half that amount would go to summer job programs, the training of dislocated workers, health care for the uninsured and the Centers for Disease Control and Prevention, along with smaller programs.

But the largest differences are over education, where Republicans fall about $3.1 billion short of Democratic targets.

The White House is pressing for another $1.8 billion to pay for initiatives to train high-quality teachers, renovate schools and fund after-school programs. At the same time, House Democrats want an additional $1.3 billion for special education and for Pell Grants for needy college students.

In addition to the money difference, Republicans are insisting that more than $3 billion sought by Clinton for school construction and reducing class sizes be rolled instead into a block grant to the states.

GOP officials contend the argument over this issue is more political than substantive, because federal funds going to states and school districts invariably are mixed with local money. But Democratic officials say that the Clinton plan would be far more effective in targeting the money to the neediest school districts.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of the VA–HUD conference report and I urge my colleagues to do the same.

I want my colleagues to know that this conference report is the exact same bill that was passed in the Senate last week.

It has come back to the Senate in the form of a conference report, which includes report language in the statement of the managers.

I urge my colleagues to vote for this measure to give our veterans the health care and benefits they deserve, to provide housing for families of modest income, and to protect our environment.

First, I am especially pleased that we were able to provide a significant increase in funding for veterans health care. We met the President's request of $20.2 billion and are $1.4 billion above last year's level.

We were also able to provide $351 million for medical and prosthetic research. This is $30 million above the budget request and last year's level.

The VA plays a major role in medical research for the special needs of our veterans, such as geriatrics, Alzheimer's, Parkinson's, and orthopedic research.

We are also providing $100 million in funding for State veterans homes. This is $40 million above the budget request and $10 million above last year's level.

I am also very pleased that we were able to include a new title in our bill that will provide medical care and veterans benefits to Filipino veterans who fought alongside Americans in World War II and who live in the United States.

Finally, our Filipino-American veterans will receive equal benefits for equal valor.

Our bill provides almost $13 billion to renew all expiring section 8 housing vouchers. We have included $453 million in funding to issue 79,000 new vouchers to help working families find affordable housing.

Unfortunately, we were forced to drop Senator BOND's housing production bill due to objections from the authorizing committee, but I hope we will revisit the issue next year.

We were also able to maintain level funding for other critical core HUD programs.

We provided $779 million for housing for the elderly, which meets the President's request and is $69 million more than last year. This includes funds for assisted living and service coordinators.

We also provided $217 million in funding for housing for disabled Americans, which is $7 million above the President's request and $23 million over last year's level.

We were able to provide both the Community Development Block Grant Program and the HOME Program with $150 million increases over the President's request. CDBG is funded at more than $5 billion, and HOME is funded at $1.8 billion. The CDBG program is one of the most important programs for rebuilding our cities and neighborhoods.

We also provided increased funding to help our neighborhoods and communities through the Hope VI Program. This year, we provided $575 million for Hope VI, the same as last year's level.

I am pleased that we were able to provide funding for other programs that help America's communities. We increased funding for empowerment zones by providing $90 million in this bill for urban and rural empowerment.

We also help homeowners by extending the FHA downpayment simplification program for 25 months.

I am extremely pleased that our bill fully funds NASA at $14.3 billion, an increase of $250 million above the President's request.

All of NASA's core programs are fully funded and all NASA centers are fully funded, including the Goddard Space Flight Center in my home State of Maryland.

The VA–HUD bill includes $1.5 billion for Earth science and more than $2.5 billion for space science.

It includes $20 million to start an exciting new program called ''living with a star,'' which will study the relationship between the Sun and the Earth and its impact on our environment and our climate. I am especially proud that this program will be headquartered at the Goddard Space Flight Center.

And, of course, we fully fund the space shuttle upgrades, space station

construction, and the new ''space launch initiative'' to find new, low-cost launch vehicles that will reduce the cost of getting to space.

The VA–HUD manager's amendment also increases funding for the Corporation for National Service. The corporation is funded at $458 million, a $25 million increase over last year's level. The Corporation for National Service has enrolled over 100,000 members and participants across the country.

As many of my colleagues know, I have been very concerned about the digital divide in this country. I introduced legislation called the Digital Empowerment Act to provide a one-stop shop and increased funds to local communities trying to cross the digital divide. I am pleased that this bill contains $25 million within the national service budget to create an ''e-corps'' of volunteers by training and mentoring children, teachers, and non-profit and community center staff on how to use computers and information technology.

With regard to the EPA, our bill provides $7.8 billion in funding. All together, this is an increase of $400 million over last year's level and $686 million more than the President's request.

We increased funding by $246 million for EPA's core environmental programs.

We also provided an additional $550 million for the clean water state revolving fund.

Taking care of the infrastructure needs of local communities has always been a priority for the VA–HUD Subcommittee.

A number of my colleagues have raised concerns about some environmental provisions in the bill.

I will address these topics in more detail later. But let me say that the administration helped negotiate these provisions and the administration supports them. They do not threaten the environment and they maintain EPA's authority and flexibility.

A am a strong supporter of FEMA and am proud that we have provided $937 million in funding for FEMA, plus an additional $1.3 billion in emergency disaster relief funding.

The National Science Foundation is funded at $4.43 billion, a $529 million increase over last year's enacted level and one of the largest increases in NSF's history. This is a downpayment toward our goal of doubling the NSF budget over the next five years.

I am especially pleased that we were able to provide $150 million for the new nanotechnology initiative.

Mr. President, I once again appreciate the cooperation of my colleagues throughout this process. While I regret that this year's process was highly irregular, I am pleased that we worked together to bring a conference agreement to the Senate floor. I believe this year's VA–HUD bill is good for our country, our veterans, and our communities.

To reiterate, Mr. President, I rise in support of the VA-HUD conference report and urge my colleagues to do the same. As I said, this conference report is the exact same bill we passed last week. It has come back to the Senate in the form of a conference report and includes the report language contained in the Statement of Managers.

That is kind of inside baseball, but what I want people to know is, this is the same bill we voted on, so there does not need to be extensive debate. What is not inside baseball, and it is how we played the game, is that we played it very fairly. We tried to both exercise a great deal of fiscal prudence while looking out for the day-to-day needs of our constituents and the long-range needs of our country.

Our appropriation—the VA-HUD, EPA, National Federal Emergency Management, space program, National Science Foundation, and 22 other agencies—had the least increase, the least gross increase, of any other subcommittee to come before the Senate. I tell my colleagues who believe in fiscal discipline, have worked for fiscal discipline, and have voted for fiscal discipline, that they need not fear voting for the VA-HUD-other agencies appropriations.

Throughout our entire deliberation on moving this bill, we wanted to have legislation that could both meet the responsibilities of fiscal stewardship as well as meet the needs. I believe we did do it. Sure, there are increases, but it costs more to do what we do. One of the major areas where it costs us more to do what we do is in veterans health care.

Health care is on the rise everywhere. It costs money to have the best nurses in America working for our veterans. It costs money to be able to have primary care facilities. It costs money to provide a prescription drug benefit. The cost our veterans gave in their service to America is far greater than any monetary spending we can do to ensure they get the health care they need.

That is why we do have increases. We have increased veterans health care. We have ensured the benefits that they deserve. At the same time, we have worked very hard to provide housing for people of modest income. We have an increase in section 8 vouchers.

What does that mean? It means there are Federal funds to enable the working poor to be able to have a subsidy for housing. If you have gotten off welfare, we make work worth it by making sure that if you are working and you can't afford to live and pay for the housing that you need, there will be this modest subsidy.

We are also doing housing for the elderly. Like it or not, America is getting older. Like it or not, we need housing for the elderly, and we also bring some innovations to it. Those need to be project based.

My esteemed Republican colleague and I don't believe vouchers work for the elderly. We don't believe if you have a wheelchair or a walker, we should give you a little voucher while you forage for housing in your neighborhood. We met those needs.

We have also protected the environment. We have encouraged voluntarism, and we have also made major public investments in science and technology. Why did we do that? Because we want to be sure America is working in this century.

These major investments in science and technology are to generate the new ideas that are going to give us the new jobs for the new economy.

We believe we bring to the Senate a bill that really does represent what America wants—yes, fiscal stewardship, but promises made, promises kept to those who served the country in the U.S. military through its benefits, to make work worth it, and make sure we have a helping hand for those who are out there working every day and have moved from welfare to work, to protect our environment, encourage voluntarism, and come up with the science and technology for the new ideas, for the new jobs.

I encourage my colleagues to vote for this bill.

I again thank my colleague. There has been much made about bipartisan cooperation. We saw it in the debates. We see it in the ads, and so on. I can tell my colleagues, I saw it in the Subcommittee on VA, HUD, and Independent Agencies. I thank my colleague, Senator BOND, for his cordial and collegial support. I thank the members of the subcommittee on both sides of the aisle. It really worked for us. Quite frankly, I believe if the rest of the Senate is working in the cooperative way we work, when all is said and done, more will get done.

I yield the floor.

SEDIMENT REMEDIATION TECHNOLOGIES

Mr. INHOFE. Mr. President, I know the Senator from Missouri has addressed similar questions before the conference on this legislation was convened, but now that we have the actual text of the statement of managers before us, I would like to clarify a section in the statement of managers. The language directs EPA to take no action to initiate or order the use of certain technologies such as dredging or capping until specific steps have been taken with respect to the National Academy of Science report on sediment remediation technologies, with limited exceptions. It is my understanding that in directing that the report's findings be properly considered by the Agency, the conferees are not directing any change in remediation standards. However, the conferees are directing EPA to consider the findings and recommendations of the forthcoming report, in addition to the existing guidance provided by the Agency's Contaminated Sediments Management Strategy, when making remedy selection decisions at contaminated sediment sites, and as the Agency develops guidance on remediating contaminated sediments.

Mr. BOND. The Senator is correct. I have addressed similar questions, but to remove any confusion, I clarify the statement of managers now before the Senate. In directing that the NAS report by properly considered by the Agency, the language in the statement of managers directs the Agency to consider the findings of the report when making site-specific remedial decisions and in developing remediation guidance for contaminated aquatic sediments. In both cases, EPA should consider the findings of the report so that the best science available will be taken into account before going forward. In implementing this direction, EPA should seek to ensure that Congress can evaluate how the findings of the report have been considered.

Mr. INHOFE. It is also my understanding that in providing for an exception for urgent cases, we anticipate that the EPA will use the four part test set forth in previous committee reports, namely that (1) EPA has found on the record that the contaminated sediment poses a significant threat to the public health to which an urgent or time critical response is necessary, (2) remedial and/or removal alternatives to dredging have been fully evaluated, (3) an appropriate site for disposal of the contaminated material has been selected, and (4) the potential impacts of dredging, associated disposal, and alternatives have been explained to the affected community.

Mr. BOND. The Senator is correct.

Mr. INHOFE. Finally, it is my understanding that the references to ''urgent cases,'' ''significant threat,'' ''properly considered'' and other key terms should be interpreted consistent with ordinary dictionary definitions and in light of previous years' statements of managers.

Mr. BOND. Again, the Senator is correct.

RELICENSING NON-FEDERAL HYDROELECTRIC PROJECTS

Mr. CRAIG. Mr. President, one of my top priorities this Congress has been to improve the process by which our Nation's non-federal hydroelectric projects are relicensed by the Federal Energy Regulatory Commission. Over the next 15 years, over half of all non-federal hydroelectric capacity (nearly 29,000 MW of power) must go through a relicensing process that takes too long and results in a significant loss of domestic hydropower generation. Oversight and legislative hearings before the Energy and Natural Resources Committee this Congress have established a solid record of the problem and the need for a legislative solution. I want to commend the Chairman of the Water and Power Subcommittee, Senator SMITH, for his dedication to this issue and for working with me to seek a bipartisan, legislative solution to the licensing problem. I look forward to working with all my colleagues to pass this legislation in the next Congress.

Mr. BINGAMAN. I thank the Senator for addressing this issue. We are clearly looking, in the next 15 years, at a substantial relicensing workload for hydropower facilities. No one can be against wanting to conduct that process in an efficient and informed manner. But, these projects have multiple impacts and benefits that cut across a wide range of issues that are important to the citizens who live in the vicinity of those projects and to the country at large. Any changes to the current system should deal with these multiple impacts in a sensible way. I fully expect that the hydropower relicensing issue will remain as a topic of concern on our Committee agenda in the next Congress, and I am ready to engage in discussions on how to move forward on this issue in a bipartisan fashion.

ABATEMENT PROGRAM FUNDING

Mr. CRAIG. Mr. President, I note that the bill allocates approximately $100 million to HUD to fund its lead abatement program. In a number of areas around the country some of our children are still at increased risk of exposure to high levels of lead, which can lead to development problems.

The bill further provides that from this account, HUD will provide financial assistance to the Clear Corps lead abatement and education network administered by the University of Maryland at Baltimore. This assistance is set at $1 million.

Clear Corps is a public-private partnership which organizes and manages cleanup and education affiliates around the country in close cooperation with local organizations and government. Significant resources are provided to this program by various companies in the paint industry, and by the National Paint and Coatings Association.

Based on reports I have seen, it has proven highly efficient and cost effective. At my invitation, Clear Corps representatives visited Northern Idaho to meet with officials of several private and public organizations, including U.S. EPA, to determine if an affiliate arrangement might prove helpful in addressing the lead exposure issue in that area. While significant progress has been made, there remain pockets where further testing, cleanup (particularly inside some older houses), and focused education could reap large rewards in the near future. It appears that with its growing national network and in-depth experience in providing cost effective solutions, my state and its children would benefit from such a project. Clear Corps is currently evaluating the resources which might be required to establish a new site in Idaho. It is my hope, Mr. Chairman, that we are able to at least begin to establish this program this year in Northern Idaho. Next year, I hope to work with the Chairman and the other members of the VA–HUD Subcommittee to review the Clear Corps approach with a view towards increasing the federal share of its resources. We need to see more of creative and cost effective approaches to issues such as reducing lead exposure of children. Public-private ventures to address such issues make a lot of sense.

Mr. BOND. I thank the Senator from Idaho for his thoughtful remarks on the lead exposure issue and the Clear Corps program. I might point out that in my home state, St. Louis now has a Clear Corps affiliate. I might also point out that Senator MIKULSKI has a Clear Corps affiliate in Baltimore. I concur that the public-private approach as one avenue of a larger program should be encouraged. I would be happy to work with Senator CRAIG and other members to determine an appropriate level of higher funding for Clear Corps.

DEFINITION OF AN ''URBAN COUNTY'' UNDER FEDERAL HOUSING LAW

Mr. MACK. Mr. President, I would like to engage my colleague, Senator BOND, and Chairman of the Senate VA–HUD Appropriations Subcommittee in a brief colloquy concerning a provision in the conference agreement relating to the definition of ''urban county'' under federal housing law.

Mr. BOND. I would be pleased to engage my colleague in such a colloquy.

Mr. MACK. Mr. President, as the Chairman knows, the Community Development Block Grant (CDBG) Program statutory provisions relating to the ''urban county'' classification do not contemplate the form of consolidated city/county government found in Duval County, Florida (Jacksonville) where there is no unincorporated area. A recent decision by the Bureau of the Census, and subsequently by the U.S. Department of Housing and Urban Development (HUD), has questioned the status of Jacksonville/Duval County as an entitlement area.

Mr. BOND. I am aware of this problem facing the city of Jacksonville.

Mr. MACK. Mr. President, my purpose for entering into this colloquy is to seek clarification from the Chairman about the effect of the provision adopted by the Conference Committee to amend the definition of ''urban county'' to address this problem facing Jacksonville.

Is it the Chairman's understanding that section 217 of the VA–HUD Conference Report addresses the concerns of the Town of Baldwin, Jacksonville and the Beaches communities, by amending current law to classify Jacksonville as an ''urban county''. Is it further his understanding that the language would preserve the area's longstanding status as an entitlement area for CDBG grants, while also allowing the Town of Baldwin to elect to have its population excluded from the entitlement area?

Mr. BOND. Yes. I believe the language clarifies that Jacksonville/Duval County meets the definition of an urban county under the statute, as amended. HUD also agrees with this interpretation.

Mr. MACK. I thank the Chairman for his comments.

• Mr. MCCAIN. Mr. President, I want to thank both Senator BOND and Senator MIKULSKI for their hard work on this important legislation which provides federal funding for the Departments of Veterans Affairs, VA, and

Housing and Urban Development (HUD), and Independent Agencies. Unfortunately, Mr. President, this year-end process to rush spending measures through Congress at the last minute again leaves very little time for members to review in full detail the finalized conference reports, which are all too often bottled up until just before they arrive on the Senate floor. The VA-HUD conference report, regrettably, is no exception.

The House of Representatives just passed this report, despite the fact that most of the voting members did not have adequate time to fully review its contents. And now, the Senate is being asked to do the same. How can we make sound policy and budget decisions with this type of budget steamrolling?

This conference report provides $22.4 billion in discretionary funding for the Department of Veterans Affairs. That amount is $17.2 million more than the budget request and $1.5 billion above the fiscal year 2000 budget level. It does appear that some progress has been made to reduce the overall amount of earmarks in this spending bill. The conferees have earmarked approximately $40 million this year; last year, earmarks exceeded $31 million.

Certain provisions in the Veterans Affairs section of the bill also illustrate that Congress still does not have its priorities in order. Let me review some examples of items included in the bill.

The conferees direct that $250,000 be used by the Department of Veterans Affairs to host The Sixth International Scientific Congress on ''Sport and Human Performance Beyond Disability.'' The conference report continues to express the view that the conferees believe this sporting event is within the mission of the VA.

Neither budgeted for nor requested by the Administration over the past nine years is a provision that directs the Department of Veterans Affairs to continue the nine-year-old demonstration project involving the Clarksburg, West Virginia, Veterans Affairs Medical Center, VAMC, and the Ruby Memorial Hospital at West Virginia University. Several years ago, the VA-HUD appropriations bill contained a plus-up of $2 million to the Clarksburg VAMC that ended up on the Administration's line-item veto list. The committee has also added $1 million for the design of a nursing home care unit at the Beckley, West Virginia, VAMC.

The VA-HUD funding bill also includes construction projects not originally included in the President's budget request.

For example, the VA-HUD appropriations report adds $12 million not previously included in the President's budget for the construction of the Oklahoma National Cemetery. Obviously, the VA-HUD Appropriations Subcommittee felt compelled to include this money since the VA and the Administration chose to ignore the Committee's report language last year. Last year the VA-HUD Senate report directed the VA to award a contract for design, architectural, and engineering services in October 1999 for a new National Cemetery in Lawton (Oklahoma City/Fort Sill), Oklahoma, and also directed the President's fiscal year 2001 budget to include construction funds for a new Oklahoma National Cemetery.

Most questionable are several special interest projects not previously included in the House or Senate version of the fiscal year 2001 VA-HUD appropriations bill. Some examples are: $15 million for land acquisition for a national cemetery in South Florida, $5 million for the Joslin Vision Network for telemedicine in Hawaii, and continued funding for the National Technology Transfer Center, NTTC, at Wheeling Jesuit College in Wheeling, West Virginia. None of these programs were in the President's budget request, nor in either House or Senate veterans funding bills.

In addition, the bill adds $1 million not previously included in the President's budget for planning and design activities for a new national cemetery in Pittsburgh, Pennsylvania, and $2.5 million for advanced planning and design development for a national cemetery in Atlanta, Georgia. Last year, the Senate provided an additional $500,000 for design efforts for Atlanta, as well as other congressionally-directed locations.

Although these areas are likely deserving of veterans cemeteries, I wonder how many other national cemetery projects in other states were bypassed to ensure that these states received the VA's highest priority.

This bill also contains the funding for the Department of Housing and Urban Development. The programs administered by HUD help our nation's families purchase their homes, helps many low-income families obtain affordable housing, combats discrimination in the housing market, assists in rehabilitating neighborhoods and helps our nation's most vulnerable—the elderly, disabled and disadvantaged—have access to safe and affordable housing.

Unfortunately, this bill shifts money away from many critical housing and community programs by bypassing the appropriate competitive process and inserting earmarks and set-asides for special projects that received the attention of the Appropriations Committee. This is unfair to the many communities and families who do not have the fortune of residing in a region of the country represented by a member of the Appropriations Committee.

And once again, Utah has managed to receive additional funds set aside for the 2002 winter Olympic games.

This bill includes $2 million for the Utah Housing Finance Agency to provide temporary housing during the Olympics. It is certainly a considerate gesture that the housing facilities are expected to be used after the 2002 games for low-income housing needs in Utah. However, I am confident that the many families in Utah and around the country who are facing this winter and next without affordable and safe housing would much rather have this $2 million used for helping them now rather than in two or three years when the Olympics are over.

Some of the earmarks for special projects in this bill include:

$500,000 for the restoration of a carousel in Cleveland, Ohio;

$500,000 for the Chambers County Courthouse Restoration Project in the City of LaFayette, Alabama;

$2.6 million for the rehabilitation of the opera house in the City of Meridian, Mississippi;

$3 million for restoration of an historic property in Anchorage, Alaska;

$2 million for renovation on the Northwest corner of 63rd Street and Prospect Avenue in Kansas City;

$500,000 for infrastructure improvements to the W.H. Lyons Fairgrounds in Sioux Falls, South Dakota; and

$400,000 for Bethany College in Bethany, West Virginia for continued work on a health and wellness center.

This bill also funds the Environmental Protection Agency, EPA, which provides resources to help state, local and tribal communities enhance capacity and infrastructure to better address their environmental needs. I support directing more resources to communities that are most in need and facing serious public health and safety threats from environmental problems. Unfortunately, after a cursory review of this year's conference report for EPA programs, I find it difficult to believe that we are responding to the most urgent environmental issues.

There are many environmental needs in communities back in my home state of Arizona, but these communities will be denied funding as long as we continue to tolerate earmarking that circumvents a regular merit-review process.

For example, some of the earmarks include:

$300,000 for the Coalition for Utah's Future;

$1 million for the Animal Waste Management Consortium in Missouri;

$2 million for the University of Missouri-Rolla for research and development of technologies to mitigate the impacts of livestock operations on the environment;

$200,000 to complete the soy smoke initiative through the University of Missouri-Rolla; and

$500,000 for the Economic Development Alliance of Hawaii.

While these projects may be important, why do they rank higher than other environmental priorities?

For independent agencies such as the National Aeronautics and Space Administration, this bill also includes earmarks of money for locality-specific projects such as:

$3.5 million for a center on life in external thermal environments at Montana State University in Bozeman; and

$15 million for infrastructure needs of the Life Sciences building at the University of Missouri-Columbia.

Let me also read two paragraphs from an article by David Rodgers, to be included for the RECORD, in today's Wall Street Journal:

''Never before has the appropriations process been such a clearinghouse for literally thousands of individual grants and construction projects coveted as favors for voters. Budget negotiators gave their blessing last night to more than 700 ''earmarks''—listed on 46 double-spaced pages—in a single account for the Department of Housing and Urban Development. The Environmental Protection Agency budget bulges with about 235 clean-water projects. Hundreds of ''member initiatives'' totaling nearly $1 billion are expected to be spread among the departments of Labor, Education and Health and Human Services.

Perhaps the most striking example of earmarks is the so-called economic-development initiative in the HUD budget, for which about $292 million is spread among an estimated 701 projects. The precise language has been closely guarded by the committee, and the clerks deliberately compiled the list in no particular order to make it more difficult to decipher.

In closing, I urge my colleagues to develop a better standard to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests so that, in the future, we can better serve the national interest.

Mr. President, I ask that the full text of the attached Wall Street Journal article be printed in the RECORD immediately following the conclusion of my remarks on the Fiscal Year 2001 VA–HUD Appropriations bill.

The article follows.

[From Wall Street Journal, Oct. 19, 2000]

SPENDING BILL IS FULL OF PROJECTS COVETED AS FAVORS FOR ELECTORATE

(By David Rogers)

WASHINGTON.—As Congress dithers over spending bills, committee clerks are putting the final touches on what may be the most important political business at hand: an unprecedented number of home-state projects attached to the budget this election year.

Never before has the appropriations process been such a clearinghouse for literally thousands of individual grants and construction projects coveted as favors for voters. Budget negotiators gave their blessing last night to more than 700 ''earmarks''—listed on 46 doubled-spaced pages—in a single account for the Department of Housing and Urban Development. The Environmental Protection Agency budget bulges with about 235 clean-water projects. Hundreds of ''member initiatives'' totaling nearly $1 billion are expected to be spread among the departments of Labor, Education and Health and Human Services.

Pork-barrel politics are nothing new. The annual $78 billion agriculture budget bill, which cleared Congress last night, has always been a haven for dozens of research projects favored by lawmakers. But this year's surplus-inspired spending breaks new ground. it permeates the labor, health and education accounts, once considered sacrosanct. Moreover, as the number of items has exploded, both parties are openly steering funds to districts to help win seats in November.

The tone was set in the free-for-all negotiations on a $58 billion transportation budget. Dozens of highway and bridge projects totaling more than $1.9 billion were added. When Republicans insisted on $102 million to help a hard-pressed Arkansas incumbent, Democrats got an almost equal sum to spread among candidates in tight races in Mississippi, Connecticut, New Jersey, Pennsylvania and Kansas.

Running for Congress from Utah, Republican Derek Smith isn't even a member of the House yet. But thanks to the intervention of House Majority Leader Dick Armey of Texas, he can already lay claim to two budget earmarks worth $5 million to fund water and lands-related projects in his district.

Sen. John McCain, the Arizona maverick and former presidential candidate, took to the Senate floor again yesterday to chastise fellow Republicans. But one of his greatest allies in the House, Rep. Brian Bilbray (R., Calif.), hasn't been shy about claiming credit for Washington money that could help his chances in a tough reelection campaign. ''Bilbray Applauds San Diego Funding'' a press release for the congressman said last Thursday, trumpeting millions of dollars in earmarks attached to a housing, veterans and environmental budget bill pending in the House.

''I will condemn it in his district,'' said Mr. McCain, who is scheduled to campaign for his friend in California next week. ''It is one of those gentleman's disagreements,'' said an aide to Mr. Bilbray.

Perhaps the most striking example of earmarks is the so-called economic-development initiative in the HUD budget, for which about $292 million is spread among an estimated 701 projects. The precise language has been closely guarded by the committee, and the clerks deliberately compiled the list in no particular order to make it more difficult to decipher.

Most of the grants appear to be less than $2 million, some as small as $21,500. Thanks to the New York delegation, Buffalo would lay claim to two grants of $250,000; one to help renovate a Frank Lloyd Wright-designed home, the other to build a new city boathouse—based on Mr. Wright's blueprints—for the West Side Rowing Club.

Meanwhile, in related action:

The Senate approved the agriculture budget 86–8. The measure provides increased spending for food safety and rural development while relaxing trade sanctions against Cuba. For the first time in decades, commercially financed, direct U.S. shipments of food to Havana would be permitted. Shipments of medical supplies, which are already sold on a modest basis, may also be increased.

Trying to free up a $14.9 billion foreign-aid bill, Republicans are proposing compromise language on the divisive issue of U.S. assistance to population-planning programs overseas. The proposal would continue current restrictions, favored by antiabortion forces, only through March 1, as a transition to the next administration. The initial reaction from Democrats was skeptical, but if the transition period is shortened—and funding increased—it could yet be the framework for a deal.

Top House Republicans are pressing for big increases in aid to children's hospitals under a fledgling program to help train pediatric medical residents. Last year, spending was $40 million, but it could grow to $280 million under the proposal, three times the administration's request.

SPECIAL TREATMENT

[Examples of funds set aside for Members' projects.]

Project/sponsor	Cost
San Diego Storm Drain Diversion Rep. Brian Bilbray (R., Calif.)	$4,000,000
I–49 and Great River Bridge Study Rep. Jay Dickey (R., Ark.)	102,000,000
Route 7 Brookfield Bypass Rep. James Maloney (D., Conn.)	25,000,000
Frank Lloyd Wright Boathouse N.Y. Delegation	250,000

Mr. JEFFORDS. Mr. President, today the Senate will pass the final version of fiscal year 2001 Energy and Water Appropriations bill. Included in the legislation is a provision that requires the Department of Energy to spend not less than $2 million on the Small Wind Turbine Project. This effort is vitally important to our Nation's continued development of American wind technology for consumer use. It was added as a program at the Department of Energy in 1995, to develop cost-effective, highly reliable Small Wind Turbine systems for both domestic and international markets. In fact, due to the Small Wind Turbine Program, U.S. companies have been able to advance the performance and cost-effectiveness of small wind turbine systems. The participants in the Small Wind Turbine Project are Windlite Corp, a subsidiary of Atlantic Orient Corp, Bergey Windpower Co., and World Power Technology. Through the Small Wind Turbine Project, these three companies are advancing the technology of wind energy for homes, small businesses, rural development and export. To end the effort that these three companies are undertaking at this time would be a giant setback and for this reason the Congress has included funding to continue the project under their guidance.

I worked closely with Senators DOMENICI and REID and Assistant Secretary of Energy Dan Reicher in developing the language in this legislation related to small wind. The language is clear, that the department should spend no less than $2 million on the Small Wind Turbine Project. We must continue to develop, test and certify the wind turbines being developed under this program to date.

Mr. WELLSTONE. Mr. President, I rise today to offer a few remarks on the fiscal year 2001 VA–HUD Appropriations bill.

First, I would like to commend my colleagues on the Appropriations Committee for doing some excellent work on this bill. Many important housing initiatives—including housing assistance for the elderly and disabled, the HOME Investment Partnership Program, the Community Development Block Grant, Housing for People With AIDS, and the Lead-Based Paint Hazard Reduction Program—will all receive funding increases under this bill in fiscal year 2001. Furthermore, an additional 79,000 Section 8 vouchers will be funded under this bill. These are all critical programs, program that help low-income working families find safe and affordable housing, and the authors of this bill should be commended for recognizing the need to continue to

fund these programs at the appropriate levels.

Having said this, though, I would also like to take a few minutes to express my disappointment that this bill does not include funding for a housing production incentives program, despite the fact that the need to produce more affordable housing in this country is critical. Unfortunately, a Senate provision which would have used $1 billion in excess Section 8 funds to pay for the production and preservation of affordable housing failed to make it into the final conference report. Yet many of the programs that are funded in this bill, including Section 8 housing assistance, only work when affordable housing units are available. It does low-income working families no good whatsoever to be given a rent voucher when they can't find an apartment on which to spend it.

As it is written, this bill fails to address one of the most important problems underlying the current affordable housing crisis: the rapid erosion of this country's affordable housing stock. Every year, in fact, every day, we see the demolition of old affordable housing units without seeing the creation of an equivalent number of new affordable housing units. And while there can be no question that some of our existing affordable housing units should be demolished, we have yet to meet our responsibility to replace the old units that are lost with new, better, affordable units. We must do a better job of this, for our current policy simply results in too many displaced families, families who are forced to sometimes double-up or even become homeless in worst-case scenarios, overburdening otherwise already fragile communities.

The National Low Income Housing Coalition reports that right now there are a record 5.4 million households, 12.5 million people, that pay more than one half of their income in rent or live in seriously substandard housing. Who are these people? One and a half million are elderly, 4.3 million are children, and between 1.1 and 1.4 million are adults with disabilities. Waiting lists for housing assistance are longer than ever, and there are still far too many people who simply lack shelter altogether—an estimated 600,000 people are homeless in this country on any given night.

The fact is that incomes for our poorest citizens are simply not keeping pace with the increase in housing costs. A July 1998 study by the Family Housing Fund found that in Minneapolis-St. Paul rents increased 13 percent from 1974 to 1993 while real incomes declined by 8 percent. They found that there were 68,900 renters with incomes below $10,000 in the Twin-Cities and only 31,200 housing units with rents affordable for these families. That means that there were more than two families for every affordable unit available, and the situation has only gotten worse since then, as the vacancy rate has plummeted to below two percent.

Housing is usually considered to be affordable if it costs no more than 30 percent of a household's income. In the Twin Cities area, however, 185,000 households with annual incomes below $30,000 pay more than this amount for their housing. Knowing this, it isn't hard to understand why the number of families entering emergency shelters and using emergency food pantries is on the rise.

This situation certainly isn't unique to Minneapolis-St. Paul. Out of Reach 2000, a recent publication by the National Low Income Housing Coalition, finds that the cost of housing is exceeding the reach of low-income families across the country. This study estimates that the national ''housing wage''—a measure that represents what a full-time worker must earn to afford fair market rent, paying no more than 30 percent of their income—for a 2 bedroom apartment is $12.47 an hour, more than twice the minimum wage. The report notes that in no county, metro area, or state is the minimum wage as high as the corresponding housing wage for a 1, 2, or 3 bedroom home at the fair market rent; in more than half of metropolitan areas, the housing wage is at least twice the federal minimum wage.

Such high rents are, of course, fueled at least in part by the shortage of housing. Demand for housing exceeds the supply, so rents spiral upwards, far beyond the reach of the poor and often well-beyond the reach of the middle class who find themselves priced out of the very communities in which they grew up. The shortage of affordable housing is so drastic that in Minneapolis-St. Paul, like many other cities, even those families fortunate enough to receive housing vouchers cannot find rental units. Landlords are becoming increasingly selective given the demand for housing and are requiring three months security deposit, hefty application fees, and credit checks that price the poor and young new renters out of the market.

In my own State of Minnesota, a family must earn $11.56 an hour, 40 hours a week, 52 weeks out of the year to afford the fair market rent for a two-bedroom apartment, more than double the minimum wage. That's more than double the minimum wage. This means that a person earning the minimum wage in Minnesota would need to work 90 hours a week in order to afford a two bedroom apartment at the fair market rent. Here's the real secret of why so many single parents are in poverty, because it has become impossible for one parent, one worker, to support a family on the bottom rung of the economic ladder.

So what happens to those families who are unable to earn $11.56 an hour? Families with a single worker at minimum wage who cannot work 90 hours? The answer is no secret, and is unfortunately too common in all parts of our country. These families quite simply can't afford adequate housing. Instead, families crowd into smaller units, a one bedroom, an efficiency. Sometimes these families double up, two or more families in a home, with multiple generations crowded under one roof. When the stress of multiple families becomes unbearable, they are left with no other option than homeless shelters. Families rent seriously substandard housing, exposing their children to lead poisoning and asthma, in neighborhoods where they don't feel safe allowing their children to play outdoors. They rent housing with leaky roofs, bad plumbing, rodents, roaches, and crumbling walls.

And even for such substandard housing, many families find themselves forced to pay more than the recommended 30 percent of their income in rent, sometimes spending more than half of their income on housing costs. Families in this situation must then ''cut corners'' in other ways, sometimes doing without what others might consider necessities. Not luxuries like cable television, but necessities: gas, heat, electricity, food, or medical care. This is simply unacceptable. In an era of such tremendous economic prosperity, no family should have to choose between food and shelter, or heat and medical care.

In a recent study of homelessness in Minneapolis-St. Paul, the Family Housing Fund reported that more and more children are experiencing homelessness. On one night in 1987, 244 children in the Twin Cities were in a shelter or other temporary housing. By 1999, 1,770 children were housed in shelter or temporary housing. Let me repeat that: 1,770 children in the Minneapolis-St. Paul area on one night alone spent the night in a homeless shelter or temporary housing. That's seven times as many homeless children in 1999 than in 1987. And families are spending longer periods of time homeless. If they had a family crisis, if they lost their housing due to an eviction, if they have poor credit histories, if they can't save up enough for a two or three month security deposit, they will have longer stretches, longer periods of time in emergency shelters before they transition into homes.

Let me provide a stark and disturbing example of the desperate need for affordable housing in this country: for six days in February of this year, the Minneapolis Public Housing Authority distributed applications for families interested in public housing. They distributed applications for only six days, and then stopped entirely. This was the first time since 1996 applications were accepted for public housing and it is likely to be the last time for several years to come. Mr. President, 6,000 families sought applications for public housing in those six days—an average of 1,000 families each day requesting public housing in one metropolitan area. This is not free housing. Residents would be required to pay one-third of their income in rent. This is not luxury housing. Many families

seem to look upon public housing with disdain, though I know those communities are rich with the talents and contributions of their tenants. This is not even immediate housing. Many of those families will wait years to get into public housing.

Surely this should tell us there is a huge housing crisis. One thousand families a day sought to pay one-third of their income in rent to live in public housing in one metropolitan area. Surely, if this tells us anything, it tells us we must do more.

Mr. President, I know this Nation is prosperous. I know we can afford to solve this problem. We can afford to take this step today. We must make a commitment to address the shortage of affordable housing. Although we were not able to include funding for housing production initiatives in this appropriations bill, it is my hope that each of my colleagues will join me next year in assuring that this critical need is met.

Mrs. BOXER. Mr. President, the Senate considered the VA–HUD conference report a week ago today. During consideration of the bill, the Senate extensively debated report language included in the conference report that dealt with the cleanup of river and ocean sediment contaminated with DDT, PCBs, metals and other toxic chemicals.

Upon passing the conference report today, it is critically important to reiterate that it was understood by the managers of the bill in the House and the Senate that our resolution of the contaminated sediments issue in the VA–HUD conference report on October 12, 2000 was final, and that modifications to the report language or bill language relating to this issue would not be permitted this legislative session on any legislative vehicle.

It is also important to reiterate and to underscore the clarifications the Senate made to that report language.

One of the most important clarifications was a statement of the managers that the report language would not apply presently or prospectively to any site in California.

Another important clarification included a colloquy between Senators BOND, MIKULSKI and LEVIN stating that EPA had full discretion to define the operative terms of the report language.

Yet another critical clarification was a colloquy between Senators BOND, MIKULSKI and LAUTENBERG that stated that the National Academy of Sciences study referred to in the report language was not to be afforded any type of extraordinary or special standing in the Environmental Protection Agency's established process for selecting remedies under Superfund.

Finally, a colloquy between Senators BOND and L. CHAFEE clarified that report language would not affect the cleanup of the Centredale Manor Restoration Project in Rhode Island.

Make no mistake about it, Mr. President, I would have preferred that the proponents of this report language not be given even one bite at the apple in an appropriations bill on the important issue of cleaning up heavily contaminated river and ocean waters. I was concerned that the report language they advanced would slow cleanups in California and around the nation.

I am satisfied that our debate on the report language will ensure that it does not have that effect.

Under no circumstances, however, should the proponents of this report language be permitted a second bite at the apple to undo the work of this chamber and the commitments of the House and Senate managers not to revisit the issue of contaminated sediments—in bill or report language—in this legislative session on any legislative vehicle.

Mr. REID. Mr. President, I truly enjoy working with the chairman and his staff in putting together the Energy and Water appropriations bill each year.

The third time's the charm.

This time, I think we really have completed work on the FY 2001 Energy and Water Appropriations bill.

I am a little surprised to be talking about final passage of the Energy and Water Appropriations bill in late October. Ours is usually one of the earliest to be passed and signed by the President.

Ours is also a bill that is very rarely vetoed. However, this has been an unusual year.

We have modified our bill to meet the Administration's needs on the Missouri River and I am confident that the President will now sign this bill promptly.

For the information of Senators: the Energy and Water portion of this Conference Report has not changed since all of our colleagues joined us in voting on this matter last week.

Our counterparts in the House insisted upon having a Conference, but no changes have been made since we completed work on the package that came before the Senate last week. In fact, it has not changed much at all since it originally passed both Houses earlier this month.

For the third, and, I hope, final time this year, I encourage all of my colleagues to support final passage of this Conference Report which includes both the final energy and Water and VA–HUD Conference Reports.

This is a very important appropriations bill, one where we are asked to pay for a broad array of programs critical to our nation's future. We fund

the guardians of our Nation's nuclear weapons stockpile our nation's flood control and navigation systems, infrastructure that contributes to human safety and economic growth

Long-term research, development, and deployment of solar and renewable technologies, programs critical to our nation's long-term energy security and environmental future and

Science programs that are unlocking the human genome and other breakthroughs that help to keep the U.S. at the scientific forefront of the world.

By and large I think this is a fine Conference Report.

The Conference Report we lay before the Senate totals just over $23.5 billion. Of that, $13.7 billion is set aside for defense activities and just under $9.9 billion will be spent on nondefense activities at the Department of Energy, Army Corps of Engineers, Bureau of Reclamation, and several other independent agencies.

It addresses the needs of our Nation's nuclear stockpile and the crumbling infrastructure at the weapons labs and plants.

Enhanced funding in the water accounts allows us to move forward on a handful of important new construction starts while maintaining our emphasis on clearing out the $40 billion backlog in work already authorized and ready to go.

We have also been able to provide much needed additional funding to both the Science and Solar and Renewable accounts at DOE.

I am particularly pleased to report that funding for the solar and renewable programs is $60 million higher than last year. This year's numbers are the highest these programs have seen in quite some time.

At a time when our Nation is once again questioning our utter and singular dependence on fossil fuels, I am delighted that we are going to be able to move forward aggressively on renewable programs.

Obviously, I have some disappointments about things we were not able to do this year.

However, as all of us know, an appropriations bill is a one year funding bill. We are never able to do all that we want and there is always next year.

The twin notions of one-year funding and re-visiting issues next year brings me to my final point this evening.

Today we are providing $199 million for the National Ignition Facility at the Lawrence Livermore National Lab in California. This is about $15 million below the oft-revised DOE request for this project. They are lucky to get that much.

The final funding figure represents a compromise between the Administration and Congressman PACKARD, both supportive of NIF, and Senator DOMENICI and I who both would have preferred a substantially smaller dollar amount.

For reasons I have discussed at length in other venues, I believe the Department and laboratory sold the Congress a bill of goods on NIF, and I do not feel that they can be trusted to get it right now.

Chairman PACKARD feels strongly that the lab and Department have gotten their House in order and should be given the opportunity to proceed for another year in order to prove it.

I have great respect for the chairman of the conference. We both came to the House of Representatives together in 1982 and I consider him a friend. I do,

however, disagree with him on this matter.

His work on this subcommittee has been excellent and I will miss both his good nature and his fine judgement after he retires this Fall.

He has prevailed upon Chairman DOMENICI and me to allow NIF to go forward for one year, albeit with substantial reporting and milestone requirements.

It is my hope and expectation that DOE will go out of their way to find credible, external reviewers to add some element of objectivity to the new project reviews we are imposing on the Department.

I am going to watch this program like a hawk for the next year.

If the Department and lab fall a day behind schedule or go a dollar over budget, I will not hesitate to zero NIF right out of the Senate bill next year and I suspect that Senator DOMENICI will help me do it.

We have given them all but a couple of percent of what the Administration requested for this project. Now is the time for performance, not excuses.

After nearly a year of listening to DOE and Livermore discuss the problems with this project, I am still not sure what bothers me more: The notion that DOE woke up one morning and discovered that their estimate was off by a billion dollars; or that they simply expected us to give them the money without much of a fuss.

A billion dollars is a tremendous amount of money.

I am done sitting by while DOE and the three weapons labs continue to sweet talk us into beginning projects and then revealing the real price tag to us later.

Livermore is on the hot seat now, deservedly so, but this is a complex-wide problem.

It is going to stop.

The chairman and I have worked together on this bill and so many other issues for many years. Despite the hard work and late nights that completing this bill requires, it is always a pleasure to work with him and his staff to get the job done.

Both of us had staff changes at the clerk position this year and we just kept humming along. The bill has worked as well as it ever has.

I thank the entire staff for all their hard work. Clay Sell, David Gwaltney, and LaShawnda Smith of Senator DOMENICI's staff have worked very well with Drew Willison, Roger Cockrell, and Liz Blevins of my staff.

Every year the associate subcommittee staff provides valuable advice, input, and recommendations to our staff and I am grateful for their help, too.

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

The Senator from Nevada.

Mr. REID. Mr. President, under the unanimous consent agreement before the Senate, it is my understanding I have 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, as I did at the conference committee we had last night, I express my appreciation to Senator MIKULSKI for the great leadership she has shown in working this bill through this very difficult process.

As she has indicated, it takes two to do that. It is important we recognize that there are matters, when we are able to work together, where both Democrats and Republicans can work toward a common goal. That goal has been, for many months now, getting this very difficult VA-HUD bill to a point where we are now going to approve it. The Senator from Missouri is also to be commended for working so closely with the Senator from Maryland in coming up with this great piece of legislation. They are both a couple of experts in this field, not only experts in the field that covers the legislative matters before us but experts in moving the matters through the legislative process. Both sides of the aisle recognize their expertise.

After this conference report is approved, we will next move to a vote on a continuing resolution. What is a continuing resolution? It is when we have failed here to do our work to extend the operation of Government so it doesn't shut down.

So we are going to have another continuing resolution approved this afternoon. I am disappointed that we are now to a point where this is the fourth continuing resolution, I believe, that we will approve. This is for 6 days—until next Wednesday. We just completed work on a long continuing resolution. We basically completed very little during that period of time.

The new fiscal year is now nearly 3 weeks old, and Congress has still failed to have signed into law 9 of the 13 appropriations bills.

To compensate for the failure to do our work, we pass these continuing resolutions that I have talked about to stop the Government from shutting down. We have been through a Government shutdown. We know it can happen. We will now consider in a few minutes another continuing resolution. That is too bad. I find it disturbing that the continuing resolution didn't go for 24 hours at a time.

I have not been in the Congress as long as some people, but I have been here a long time. I can remember when a congressional session was winding down and we worked day and night. We worked Mondays. We worked Fridays, Saturdays, and on occasion we worked Sundays to complete our work. No, not here. We have had leisure time. We have not had any hard lifting. We just took a 5-day break.

I understand the importance of the upcoming elections as well as anyone else. The elections represent a crucial choice regarding the future of this great Republic. However, no election is more important than the election that takes place here in this Congress every day when we, in effect, vote on legislation. This election represents something just as important. That is why we were sent here—to do the work of the people. We are not doing it. The majority isn't allowing us to do it.

We will never finish these appropriations bills until it is clear to everyone that we must do our work and do it every day of the week. We have been used to 3-day weeks around here where we worked Tuesdays starting about 2:30, and Wednesday and Thursday. But we finished early on Thursday. I have never seen a congressional session such as this. We don't work on Mondays. We don't work on Fridays. And now we have a new deal: We are working 2-day weeks. We are now going to a 2-day week schedule. Of course, on the first day we will work late. So it will only be about a day and a half. I don't think when we have work to do that we should be working 2-day weeks.

I bet the hard-working American people who work for these massive corporations and small businesses would like a 2-day workweek. That is what we are having here.

It is no secret that this exceptionally slow work schedule is responsible for the fact that Congress has completed only a few appropriations bills. We passed one in July, one in August, none in September, and two so far this month. I think we should pick up the pace a little. I think the American people would agree.

Until we finish the 106th Congress, I think every continuing resolution we pass in the future should be for 24 hours. I am not going to vote for any more continuing resolutions that are for more than 24 hours. I don't know if I am going to vote for this continuing resolution. I think it is a shame that we are not going to be here literally doing work on this floor until probably next Tuesday with probably no votes until next Wednesday.

Not everyone would like this approach—because we have more certainty with a longer continuing resolution. I hope the President will support our efforts to have a 24-hour continuing resolution. I want to give everyone a hint here. The President just told us that is what he is going to do—that he will no longer approve a multiday continuing resolution—24 hours only.

When we get here Wednesday and that expires, remember that we are not going to get one for more than 24 hours. We have to complete our work. It is important that we do that.

Let's set aside for the moment the disappointing record on the appropriations bills and focus instead on the laundry list of missed opportunities that litter Capitol Hill this fall.

The lack of action on the appropriations bills is rivaled only by the chronic inaction by this Republican Congress on the many other important issues that face our country. While the Republicans blame the Democrats for lack of action, how they can do that

with a straight face is a little hard for me to comprehend. The problem is the Republican majority doesn't seem to work with each other.

We all recognize that one of the highest priorities for America at the beginning of this century is education. We have spent in this Congress parts of 6 days working on education. That is it. It couldn't be a very high priority. We don't set the agenda here. I wish we could. But instead of parts of 6 days, we would spend weeks working on education. For the first time in 35 years we haven't approved the Elementary and Secondary Education Act. That is too bad.

Another issue before the Congress is that we have failed to address any meaningful way raising the minimum wage. Sixty percent of the people who draw minimum wage are women. For many of these women it is the only money they earn for their families.

I think it is important that women who get only 74 percent of what men make for the same job should at least be recognized by getting an increase in the minimum wage.

This long list of missed opportunities which will be compounded by a 2-day workweek that we are now going to have demonstrates the irony that the majority is more interested in plowing down the campaign trail than helping plow down the field to help us pass some legislation that helps working Americans.

What legislation am I talking about? Am I making this up? The long list of missed opportunities of this Republican-controlled Congress is:

The minimum wage we talked about;

The failure to enact anything dealing with health care; Prescription drug benefits, no; Prescription bill of rights, no; Helping make college education affordable, no; Doing something about education and lower class sizes, no; Having money for school construction, no.

In the State of Nevada—the most rapidly growing State in the Nation—we have to build a school every month in Las Vegas to keep up with the growth. We need some help.

The average school in America is over 40 years old. We have crumbling schools. We must build some new schools. In one school in Ohio, the ceiling collapsed and kids were hurt.

Then there is the failure to pass a meaningful targeted tax cut for middle-class working Americans.

It is important.

One issue that we should talk about a little bit is campaign finance reform. We are awash in money. People are out raising money. Why? Because one has to be competitive. JOHN MCCAIN has been very courageous. He is one of the few Republicans to join with every Democrat over here to do something about campaign finance reform.

Get rid of corporate money; let's at least do that.

Two years ago, in the small State of Nevada, over $20 million was spent on the election for the Senate. Neither one of us spent more money. We spent the same amount of money. Can you imagine that in a small State of Nevada with over $10 million each? It is shameful. We have to change it. But, no, we are not able to even vote on it.

This continuing resolution is going to be coming up, and I am not happy with it. I am certainly supportive of making sure that we complete our work. But we don't need to take off from Thursday until next Wednesday. That is, in effect, what we are doing. That is too bad.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I believe there is some time left for Senator STEVENS under this agreement. We are interested in yielding back time, to the extent that the other side will yield back time.

Mr. President, there are lots of statements that could be made to answer the political charges of my colleague from Nevada. Let's just say we disagree with them. We will debate those later.

We have been delayed in this process because we had to file cloture because of filibusters this summer on the measures.

I ask the distinguished chairman of the committee if he would like time. I would be happy to yield the floor.

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

Mr. STEVENS. Has my time expired?

Mr. BOND. On the continuing resolution?

Mr. DOMENICI. He had 5 minutes.

The PRESIDING OFFICER. On the pending conference report.

Mr. STEVENS. Whatever it is, I am happy to yield back my time so we can vote.

Mr. REID. Senator BYRD has time. He is not here. I am confident that we can yield back his time.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

The PRESIDING OFFICER. If the Senator wishes, he may use his time on the continuing resolution.

Mr. REID. I reserve Senator BYRD's time.

It is my understanding now the time goes to the CR, and Senator DORGAN has 10 minutes; is that right?

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. Are we going to vote on VA-HUD now or have stacked votes?

Mr. REID. It is my understanding we are to use the time on the CR and on the VA-HUD conference report and have two back-to-back votes.

Mr. BOND. That is our understanding. So the sooner we use up or yield back the time on the continuing resolution, the sooner we can vote, and perhaps colleagues who wish to use time can talk quickly.

Ms. MIKULSKI. Are we now done with VA-HUD?

Mr. BOND. It is my understanding the time for VA-HUD has expired. Some of the time has been used off the CR. I believe there is a willingness to yield back on our side.

Mr. REID. I used time I had reserved for me under the continuing resolution. Senator BYRD has 5 minutes. He is not here. I am sure he would be willing to yield that back. The only time remaining, as I understand it, is time on the CR. Is that right, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. REID. Who has time reserved under the CR?

The PRESIDING OFFICER. Senator DORGAN has 10 minutes and Senator STEVENS and Senator BYRD have 5 minutes each.

Mr. STEVENS. I have yielded back my time, if I had any.

Mr. DORGAN. Mr. President, it is my understanding Senator STEVENS yielded back his time on the continuing resolution?

Mr. STEVENS. Yes.

Mr. DORGAN. Mr. President, I may not take all of the 10 minutes, but I want to speak on the continuing resolution for a moment.

It is now Thursday, October 19. We have a continuing resolution, which in English means continuing the funding for the Government for appropriations bills that have not yet been completed, until next Wednesday. This is one more in a series of continuing resolutions required by this Congress because we do not have the appropriations bills completed and sent to the President to be signed into law.

Now we have to do this. I understand that. We have to pass a continuing resolution. But this is not the way for the Senate to do its business. I came from a meeting we had with the President. The President indicated this is the last continuing resolution of this sort that he will sign. He indicated the next continuing resolution will be for 24 hours, no more than 24 hours. That is what he told a large group of people a bit ago. This continuing resolution takes us until next Wednesday, after which, apparently, continuing resolutions will be for no more than——

Mr. STEVENS. Will the Senator yield?

Mr. DORGAN. Of course.

Mr. STEVENS. Mr. President, I ask the Senator, if the President said we can only have 24 hours, does that mean within 24 hours we will have the full scope of his demands under the Appropriations Committee?

We have not seen the full scope of the President's demands, and until we do we will continue to have continuing resolutions.

Mr. DORGAN. Mr. President, let the record show there is a search for scope around here.

The President's number is 456–1414. Certainly, the Senator can consult with the President on that issue.

It is now October 19. We are keeping the Senate in session and preventing the Senate from doing business in many ways. We have something pending. As soon as we finish these votes,

do you know what is pending on the floor of the Senate? The motion to proceed to S. 2557. Do you know when the motion to proceed was filed in the Senate? A month ago; a motion to proceed to an energy bill. Does anybody think there was ever an intent to proceed to a bill? No.

Why is this motion to proceed pending? To block every other amendment that would be offered by anybody else in the Senate. So the purpose is, keep us here for the desires of those who need to do the appropriations bills but don't let anybody do anything else with respect to other issues.

That is the purpose of this block motion. It has been in place a month. Some of us chafe a little by being told, you stay in session for our purposes; that is, the purposes of those who control the agenda. But in terms of what you are here for, in terms of your desires and your passions on a range of issues, forget it because we will block it with this motion to proceed.

Now, this continuing resolution takes us until next Wednesday. We apparently will have at least two votes stacked, two sequential votes, following this discussion. Then I guess the question is—this is Thursday—what happens tomorrow, on Friday or Saturday or Sunday, Monday, Tuesday, or Wednesday? Who is doing what? When are we going to get these issues resolved?

I think the import of the question from my colleague was that this is somebody else's fault. Maybe so. Maybe someone hasn't provided a list of scope here or there. All I can say is it is now October 19. This is, I think, the third CR, perhaps the fourth, and more will be required, I suspect. But if we are going to be in session, if we are going to be in session for some while, some days, then I ask the question, why aren't we working on other issues? Why should we be prevented—those on this side of the aisle—from offering amendments on a range of issues?

I think it is not the way to run this Senate, to put up a blocking motion. I believe it was put up September 22. It is now October 19. The import of that blocking motion to proceed was to say we are only going to allow the Senate to work on the following issues, and we will do it by blocking all other amendments to be offered.

I don't know what next week will bring. I will say the President indicated he is not going to sign long-term continuing resolutions. I don't know how you could. A week from now, next Wednesday, is October 25. I don't know how much further you can take this session of Congress.

At some point we have to do the appropriations bills and resolve the funding issues. I don't think anybody has had an easy job doing this. The difficulty of this job started with the passage of the budget. That budget never added up. It was not realistic. We all knew we would have to spend more money than called for in the budgets on discretionary spending.

Mr. STEVENS. Will the Senator yield?

Mr. DORGAN. Of course I yield.

Mr. STEVENS. Yesterday, this Senator completed 5 days of negotiations and finally got an agreement with the House and with everyone on how to lift the caps of the 1997 act. That did not take place because the Senator's side of the aisle objected at the last minute. We don't have a provision in this bill lifting the 1997 caps; we can't go forward until we do.

We don't have the ability to go forward yet this afternoon and tomorrow and the next day. We have to lift those caps.

It is enough to take abuse once in a while, but this Senator doesn't take it when it is undeserved. To accuse this side of the aisle for delay now is absolutely wrong. The President of the United States just came here and demanded 100 percent of what he asked for, but we don't know what it is.

Mr. DORGAN. Mr. President, let me reclaim my time. If the Senator from Alaska heard anything that represented ''abuse,'' that was not my intent. If there were discussions yesterday about lifting the cap, yesterday was October 18, 18 days past the October 1st deadline.

I happen to think the chairman of the Appropriations Committee is someone for whom I have had great respect. I don't think he has caused these problems. But I do think if you go back to the spring of this year with respect to the budget that was passed, there was not enough money in it, and we knew it then. There wasn't enough money in it for domestic discretionary programs, and we knew we would come to the end of the process with gridlock. Now we have this gridlock, and then we have these CRs that say: By the way, we will keep you in session until Wednesday but only on our issue. If you have issues—prescription drugs, minimum wage, the Patients' Bill of Rights—you ought not offer them, and we will block you. So they block it for a month.

I say to my colleagues, if you were in this circumstance, I don't think you would be as quiet as we have been. The fact is, we have been blocked for a month from offering amendments dealing with the central issues that we came to Congress to deal with and resolve and deal with. People talk about not leaving people behind. There are a whole lot of folks left behind with the agenda this Congress hasn't dealt with.

I am going to relinquish the floor, and we will vote on a CR. I assume this is not the last CR. I assume we will have more. I don't think any of us ought to be white eyed with surprise when we find ourselves in October trying to get out of a budget that was passed this spring. Incidentally, that is a budget I did not vote for because, in my judgment, it did not add up in the first place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I ask unanimous consent I might be permitted to speak for 5 minutes since all the time has expired.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I think the arguments by the Senator from North Dakota require some response. If I could have the attention of the Senator from North Dakota? I know the number of the White House. I called it last night in an effort to try to resolve the outstanding differences on the appropriations bill for the Departments of Labor, Health and Human Services, and Education, the subcommittee of appropriations which I chair.

When the Senator from North Dakota talks about insufficient money for discretionary spending, that is not necessarily true. In our subcommittee, on those three Departments we met the President's figure, $106.2 billion. We have structured our priorities somewhat differently. He wanted $2.7 billion for school construction and for more teachers. We gave that to him. But we added a very appropriate proviso, and that is, if the local boards decide they have sufficient of those items, they can use it for something else.

The grave difficulty here has been, since the Government was closed, there has been a radical shift in power between the Congress and the President. Now the President expects everything on the threat of a veto. If he is going to veto something, that means the Congress has to cave to him and knuckle to him. We are proceeding in a nonconstitutional way. We have the executive branch in our legislative discussions before we arrive at our bills, and then we have a situation where the President has to have his way. There is no such thing as compromise. We are discussing language——

Mr. DORGAN. Mr. President, will the Senator from Pennsylvania yield?

Mr. SPECTER. No.

We are discussing the issue of schoolteachers. Last year, in the middle of the night, there was a compromise which went around this Senator, the chairman of the subcommittee, and I am not prepared to take that unacceptable language. But it is a high-handed demand. We are not going to retreat from last year's language on a program the President thinks is important.

We need to go back on track, and that is to follow the Constitution and submit our bills to the President. The Congress has the primary authority and responsibility for assessing priorities. We have the purse strings, it says in the Constitution. But that is not the way it is functioning today.

When the President comes to Capitol Hill and issues a dictatorial statement that he is not going to sign continuing resolutions for longer than a day, fine, let him stay in town. It will be quite a change for the President's schedule if he stays in town to sign these continuing resolutions day in and day out.

It is time the Congress stopped being blamed for everything.

If the American people understood where we stand on my bill, that the President got the full sum he asked for, there is a difference in priorities—I ask unanimous consent for 2 more minutes, Mr. President.

Mr. DORGAN. Reserving the right to object—and I shall not object—I would like to observe, I have yielded to requests on that side and I hope the Senator will yield at the end of his time.

Mr. SPECTER. I will be glad to yield at the end of my time, limited as it is.

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

Mr. SPECTER. If the American people knew we met the President's figure of $106.2 billion but we think the National Institutes of Health ought to have a priority—we have raised them $1.7 billion more than the President, we have given more money to special education—I think if the American people knew that, they would say those are more important priorities.

If the American people knew that we want to retain local control so school boards can spend the money the way they see fit on the local level if they do not think the President's priorities are preferable, that they prefer local control to a Washington, DC, bureaucratic straitjacket, then we could have that decision.

But this Senator is not at all concerned about 1-day continuing resolutions. I am prepared to stay here a lot longer than is the President.

I yield for a question.

Mr. DORGAN. I thank the Senator for yielding for a brief question. If the Senator's contention is there was enough money in the budget this spring for domestic discretionary, why, then, are people on his side discussing the need to increase the budget caps, the spending caps?

Mr. STEVENS. If I may answer that, with regard to the bill on which we are about ready to vote, I, as chairman, delegated some of the 302(b) allowance to Health and Human Services to VA–HUD and to the other bill, energy and water. It is because of the limits that were set in the 1997 act, not just the budget resolution. We have not lifted them to the point to have enough money to pass this bill.

Mr. BOND. Mr. President, might I ask if everybody will yield back the time so we can get on with the votes?

Mr. DORGAN. Mr. President, I make a point of order a quorum is not present.

Mr. BOND. Mr. President, there are other pressing matters. It is an interesting discussion that might go on after the vote.

Mr. DOMENICI. Regular order.

The PRESIDING OFFICER. Time has expired.

The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding now we are going to vote on VA–HUD. After that, because of one of the senior Members, and others, we are going to have to wait until the papers get here before we vote on the CR. I understand they should be here momentarily. I am sure by the time the vote is closed they will be here, so I hope we can go to the vote now on VA–HUD.

Mr. STEVENS. Mr. President, parliamentary inquiry: Isn't there an order to vote back to back on these bills?

The PRESIDING OFFICER. There is an understanding that will occur. That will be the case.

Mr. STEVENS. Is it the order, the unanimous consent agreement?

The PRESIDING OFFICER. Time has expired on both measures, and votes will occur on both measures back to back.

Mr. STEVENS. Let's run the first one here.

Mr. REID. 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. 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.

VOTE ON H.R. 4635 CONFERENCE REPORT

Mr. BOND. Mr. President, have the yeas and nays been ordered on the VA–HUD conference report?

The PRESIDING OFFICER. They have not.

Mr. BOND. 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 the conference report. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 85, nays 8, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—85

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

NAYS—8

Allard	Gramm	Kyl
Feingold	Grassley	Voinovich
Graham	Inhofe	

NOT VOTING—7

Feinstein	Inouye	McCain
Grams	Kerry	
Helms	Lieberman	

The conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I thank the chairman of the committee and the ranking member, Senator MIKULSKI, for the work they have done on this bill. It has been a long process, and they both have done excellent work. We appreciate their leadership.

UNANIMOUS CONSENT REQUEST—H.R. 2415 CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the conference report containing the bankruptcy bill, H.R. 2415, and the conference report be considered as having been read.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I object.

The PRESIDING OFFICER. Objection is heard.

WITHDRAWAL OF MOTION TO PROCEED TO S. 2557

Mr. LOTT. I now withdraw my motion to proceed to S. 2557 regarding America's dependency on foreign oil.

The PRESIDING OFFICER. The Senator has that right.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT

MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to the conference report containing the bankruptcy reform bill, H.R. 2415, and 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 the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAPO), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

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

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—89

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

ANSWERED ''PRESENT''—1

Fitzgerald

NOT VOTING—10

Burns	Helms	McCain
Crapo	Inouye	Murray
Feinstein	Kerry	
Grams	Lieberman	

The motion was agreed to.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 2415, an Act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 11, 2000.)

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I now move to proceed to S. 2557, regarding America's dependence on oil.

The PRESIDING OFFICER. The motion is debatable.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 114

Mr. LOTT. I ask unanimous consent when the Senate receives from the House the continuing resolution, the resolution be immediately considered, advanced to third reading and passed, and the motion to reconsider be laid upon the table, all without intervening action, motion, or debate.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, then, the Senate will have conducted its last vote for the day. We will adjourn shortly, although I understand there is one bill that is going to be taken up with some brief debate, and also there will be some debate on the bankruptcy issue. The Senate will not be in session on Friday, but the appropriations negotiators and others who are negotiating some policy decisions will be meeting tomorrow and throughout the weekend, if necessary.

The Senate will be in session on Monday, and I expect that there will be a period for morning business. Unless some procedural step is necessary regarding the bankruptcy bill, I do not expect any further announcements with regard to the schedule.

The Senate will next be in session after that on Tuesday. Therefore, votes could occur on Tuesday in an effort to wrap up the session of Congress. We do have four appropriations bills that need to be completed, and, one way or another, we also are looking at a tax package and, of course, bankruptcy, with a vote on cloture if necessary.

Later on, either tomorrow or Monday, we will notify Members jointly as to exactly when votes could be expected, but it will depend on when agreements are reached, when the conference reports are filed, and when the House acts because I think in each of these four instances the House would have to act first. We will move on the bankruptcy, depending on what is happening on these appropriations bills and the tax package.

MORNING BUSINESS

I now ask unanimous consent the Senate proceed to a period for morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, my understanding is we are on the bankruptcy bill, is that correct?

The PRESIDING OFFICER. No. We are on a motion to proceed to S. 2557.

Mr. WELLSTONE. Mr. President, I withdraw my objection.

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

Several Senators addressed the Chair.

Mr. REID. Mr. President, if the Senator from Minnesota will withhold for a moment?

The PRESIDING OFFICER. The assistant minority leader.

Mr. REID. I wanted to ask the majority leader a couple of questions. I say to my friend, as he knows, there is some angst over here as to whether or not the people, especially from the West, have to travel back here on Tuesday.

We will have to know Monday night; otherwise, Senators have to catch planes early Tuesday morning to get back on time.

Mr. LOTT. Mr. President, I say to Senator REID, we had to make a decision last Monday. Unfortunately, we did not immediately communicate with both sides of the aisle because it was late in the afternoon. We need to be in close touch. I will be here Monday. I know the Senator from Nevada will be. Once we see when the reports are filed and when these votes will be ready, we will be prepared to notify everybody as to when they can expect a vote.

It appears to me it is possible we could have one or more of these conference reports ready late Tuesday, but if it becomes apparent the House is not going to get it until late Tuesday or even late in the afternoon, we may want to make a conscious decision to go ahead and announce Monday those votes may not occur until Wednesday.

I think we need another day or perhaps the weekend to see if these agreements can be worked out between the House and Senate Republicans and Democrats and the White House and get the reports filed. It is impossible to say right now. I assume all Senators would like to get this work completed as soon as possible. If we can do it Tuesday and Wednesday, I presume that is preferable, but if it is going to be Wednesday or Wednesday/Thursday, then obviously Senators want to know that. I will stay in close touch with Senator REID, and we will make those decisions and those announcements jointly, not later than Monday afternoon.

Mr. REID. Mr. President, I say to my friend, if we knew sometime late Monday afternoon, 4, 5, even 6 o'clock, we could——

Mr. LOTT. I will be out here. I will see the Senator from Nevada on the floor. We will make those calls at that time and notify everybody so they at least have 24 hours' notice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

BANKRUPTCY REFORM

Mr. WELLSTONE. Mr. President, I am going to take a few moments. I know Senator KENNEDY is here on the floor, and I believe Senator FEINGOLD may be coming down as well. In any case, I want colleagues to know next week when we do get back to the bankruptcy bill, whenever it is, there are a number of Senators who are ready to speak on this bill and go into its substance.

I think the 100–0 vote is an indication that we do not mind going forward with the bill, but we do intend to speak about this legislation because the more people know about this legislation, the more likely Senators will vote against it. We certainly intend to have the debate, and if there is a cloture vote next week—there may or may not be—we intend to do everything we can to defeat this legislation. We have time to debate this legislation next week. If it goes to beyond cloture, we will have more hours then to debate this legislation. Let's take one step at a time.

I will point out to Senators the process first, and then we will go to substance. I do not know whether or not this is an argument that wins with the public. The argument about this bankruptcy bill on substance wins with the public. We have had some discussion about the scope of the conference and rule XXVIII.

This was a State Department authorization bill. We had an ''invasion of the body snatchers'' where all of the content dealing with State Department reauthorization has been taken out and bankruptcy has been put in. It is a clear abuse of the legislative process. I doubt whether any Senator who views himself as a legislator can be comfortable with the way we are proceeding.

I believe there are many Senators who are going to want to speak about this outrageous process. I do not know if I have ever seen anything like this where we have a State Department reauthorization bill conference report that is hollowed out, gutted completely, and replaced by the bankruptcy reform bill conference report. It is unbelievable. It is beyond anything I ever imagined could go wrong in the Senate. It is a way to jam something through, but in one way I can understand why the majority leader and others would try to jam this through because the content, the actual legislation itself, is so egregious.

I simply point out to Senators that there is not one word, not one aspect of this legislation—next week I will have a chance to talk a lot about it; we will talk a lot about this legislation—there is not one word, not one provision, not one sentence, not one section which holds credit card companies or large banks accountable for their predatory practices. There is no accountability whatsoever.

We have nothing in this legislation that holds them accountable, but what we do have is legislation that, first of all, rests on a faulty premise. The bill addresses a crisis that does not exist. We keep hearing these scare statistics, which, by the way, do not jibe with the empirical evidence that there has been all these increased bankruptcy filings. In fact, bankruptcy filings have fallen dramatically over the last 2 years.

We have heard about the abuse. The American Bankruptcy Institute points out that, at best, we are talking about 3 percent of the people who file chapter 7 who actually could pay back their debts; 3-percent abuse, and for 3-percent abuse, what we are doing is tearing up a safety net for middle-income people, for working-income people, for low-income people who are trying to rebuild their lives.

Do we do anything about health care costs? No. Is the No. 1 cause of bankruptcy medical bills? Yes. Do we do anything about raising the minimum wage? No. Do we do anything about affordable housing? No. Do we do anything about affordable prescription drugs for elderly people? No. But the banking industry and the credit card industry get a free ride, and we pass a piece of legislation which is so harsh that it will make it difficult for middle-income people, much less low-income people, to rebuild their lives.

Hardly anybody abuses this. No one wants to go through bankruptcy. People are doing it because there is a major illness in their family. They are doing it because somebody lost their job. They are doing it because of some financial catastrophe. When people today try to rebuild their lives, we come to the floor of the Senate with a piece of legislation basically written by the credit card industry, written by the big financial institutions. They are the ones with all the clout. They are the ones with all the say.

I say to my colleagues, it is not coincidental that every civil rights organization opposes this; that every labor organization opposes this; that almost every single women's and children's organization opposes this; that the vast majority of the religious communities and organizations oppose this.

Today we had a vote to proceed, but next week there will be an all-out debate and we will focus on the harshness of this legislation, the one-sidedness of this legislation. By the way, this legislation in this hollowed out sham conference report is worse than the legislation that passed the Senate.

Now we have a bill that says to women, single women, children, low- and moderate-income families: You are not going to be able to rebuild your lives; we are going to pass a piece of legislation that is going to make it impossible for you to rebuild your lives even when you have been put under because of a huge medical bill, no fault of your own. At the same time, for those folks who have lots of money, if they want to go to one of the five States where they can put all their money into a $1 million or $2 million home, they are exempt; they are OK.

This is what the majority party brings before the Senate. It is unbelievable. No wonder they have to do it through this ''invasion of the body snatchers'' conference report. They take a State Department conference report, gut it, take out every provision that deals with the State Department reauthorization, and put in a bankruptcy bill that is even more harsh than the one that passed the Senate that is anticonsumer, antiwomen, antichildren, antiworking people and I think anti some basic values about fairness and justice.

I hope next week—I do not hope, I know—there will be a sharp debate, and we are prepared to debate this; we are prepared to use every single privilege we have as Senators to fight this tooth and nail.

And next week there will be a long, spirited discussion about this piece of legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to, first of all, thank my friend and colleague, the Senator from Minnesota, for his very eloquent statement, and most of all for all of his good work in protecting working families in this country on this extremely important piece of legislation.

I, too, am troubled, as I mentioned earlier today, by the fact that with all the unfinished business we have in the Senate that now with the final hours coming up next week, we are being asked to have an abbreviated debate and discussion on the whole issue of bankruptcy without the opportunity for amendments. Effectively, we are being asked to take it or leave it on legislation which is going to affect millions of our fellow citizens.

I had wished that we had scheduled other legislation, as I mentioned earlier today. I wish we were willing to come on back to the Elementary and Secondary Education Act or in terms of a Patients' Bill of Rights or a prescription drug program for our seniors in our country.

As someone who has been traveling around my own State, this is what I hear from families all over Massachusetts: Why isn't the Senate doing its business? Why didn't it do its business reauthorizing the Elementary and Secondary Education Act? This is the first time in 34 years that it has not done so. Why is it 3 weeks late in terms of appropriating funding for education, of which we hear a great deal in the Presidential debates? And in the Congress,

aren't we somehow sensitive to what our leaders are saying in the Republican and Democratic parties about the importance of education? Here we are now 3 weeks late, and the last appropriation, evidently, is going to be the education one. That is not the way that we think we ought to be doing business.

So we find ourselves coming back to this issue—or will next week—on the question of whether we are going to accept bankruptcy legislation.

I want to make a few points at the outset of my remarks: some proponents of this legislation argue that all the outstanding concerns about the bill have been resolved and that the problems have been fixed. That is simply untrue. It is a myth that women and children are protected under the provisions of this bill.

Over 30 organizations that advocate for women and children wrote us and said that by increasing the rights of many creditors—including credit card companies, finance companies, auto lenders, and others—the bill would set up a competition for scarce resources between parents and children owed child support, and commercial creditors, both during and after bankruptcy. Contrary to the claims of some, the domestic support provisions included in the bill would not solve these problems.

I have here a list of advocates for women and children who are opposed to this bill. I listened recently, a few hours ago, to a very impassioned statement by one of my colleagues about how the women and children were being protected. Here is a list—and I will include the list in the Record—of groups that, for the life of their years, have been advocates for children and women. These groups say that provisions in the conference committee report are going to put children and women at serious risk and that the proposed bankruptcy law will do a significant disservice to their rights. This is not only what these various groups have said, but this is also the conclusion of the 82 bankruptcy scholars I have listed that I will include in the RECORD.

Mr. President, I ask unanimous consent that the letter written by 82 bankruptcy scholars to our colleagues outlining the provisions of the conference report that put women and children at risk be printed in the RECORD.

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

SEPTEMBER 7, 1999.

Re The Bankruptcy Reform Act of 1999 (S. 625)

Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. PATRICK LEAHY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATORS: We understand that the United States Senate is scheduled to consider S. 625, the Bankruptcy Reform Act of 1999, in the near future. This letter offers the views of the eighty-two (82) undersigned professors of bankruptcy and commercial law on important consumer bankruptcy aspects of this legislation.

We recognize the concern that some individuals and families are filing for chapter 7 bankruptcy to be relieved of financial obligations when they otherwise could repay some or all of their debts. Fostering increased personal responsibility is a worthwhile aim. However, we believe that S. 625 as currently drafted will not achieve the goals of bankruptcy reform in an equitable and effective manner, and we fear that some provisions of the bill have the potential to do more harm than good.

Specifically, we urge consideration of two principal points:

The ''means test'' in S. 625 may not identify those individuals with the ability to repay a substantial portion of their debts, while at the same time it may work considerable hardship on financially strapped individuals and families filing bankruptcy petitions that are not abusive.

This bill contains much more than a means test. Dozens of provisions in S. 625 substantially enhance the rights of a variety of creditor interests and increase the cost and complexity of the system. Taken as a whole, these provisions may adversely affect women and children—both as debtors and creditors—as well as other financially vulnerable individuals and families.

MEANS TEST

The cornerstone of consumer bankruptcy reform is the ''means test.'' Why have a means test? The perception is that some debtors with a meaningful ability to repay their debts are filing chapter 7 to discharge those debts, and instead should repay their debts in chapter 13. A means test is supposed to find and exclude those ''can-pay'' debtors from chapter 7. The trick is identifying the real abusers at an acceptable cost, without unfairly burdening those ''honest but unfortunate'' debtors who legitimately need chapter 7 bankruptcy relief.

In thinking about the proper design of a means test, it first is essential to understand the extent to which individuals and families are actually abusing the bankruptcy system. Since last year's debates on bankruptcy reform, a study funded by the independent and nonpartisan American Bankruptcy Institute found that less than 4% of consumer debtors could repay even 25% of their unsecured nonpriority debts if they could dedicate every penny of income to a repayment plan for a full 5 years. In short, for about 96% of consumer debtors, chapter 7 bankruptcy is an urgent necessity. Of course, the fact that most debtors cannot pay does not mean that the S. 625 means test will not affect them.

Last year, the Senate worked hard on a bankruptcy reform bill that went through substantial revision and ultimately passed by a vote of 97 to 1 (S. 1301). S. 1301 was reintroduced this year (now S. 945, known as the Durbin-Leahy bill), but was not the starting point for this year's bankruptcy reform debate, and many key provisions of S. 625 differ substantially from those in S. 1301, including many details of the means test:

S. 625 uses a rigid, arbitrary, nondiscretionary mathematical test to define ''abuse''; whether a debtor could repay 25% of $15,000 of unsecured nonpriority debts over 5 years versus S. 945, which considers whether a debtor could repay 30% of such debts over 3 years in a chapter 13 plan under the standards used in chapter 13 today. In an effort to impose a standardized and objective means test, S. 625 contains loopholes that permit high income debtors to escape the means test by incurring extra secured debt or reducing income. Individualized discretion vested in the hands of those closest to the front—the able bankruptcy judges—will be more effective in identifying abusive cases.

S. 625 uses rigid IRS collection standards, which have been criticized by Congress in other debates, to determine the allowable expenses of families versus S. 945, which analyzes actual expenses and whether those expenses are reasonable. The IRS collection standards are used by the IRS on a case-by-case basis and are not well suited to form the basis of an objective bankruptcy means test, particularly because they do not automatically cover critical expenses such as health insurance and child care. As noted by House Judiciary Committee Chairman Henry Hyde, using the IRS collection standards as part of a bankruptcy means test may produce substantial hardship for financially troubled families. That hardship is unnecessary when there are other more effective ways to determine whether a debtor has the ability to repay debts.

S. 625 measures debtors' ability to pay over 5 years versus S. 945, which measures ability to pay over 3 years, which is currently the standard duration of chapter 13 repayment plans. Already, two-thirds of individuals who file under chapter 13 do not make it to the end of a 3-year plan. It is unrealistic, and perhaps even a bit misleading, to gauge an individual's ability to pay over 5 years when the likelihood of that happening is not very high.

ADVERSE EFFECT OF CONSUMER BANKRUPTCY OVERHAUL ON FINANCIALLY VULNERABLE FAMILIES, SUCH AS SINGLE PARENT HOUSEHOLDS

Spanning approximately 350 pages, S. 625 clearly is much more than a means test. Many of the provisions in this reform effort, particularly those that enhance creditors' rights and complicate bankruptcy procedures, substantially alter the relief available in both chapter 7 and chapter 13 repayment plans. These changes may or may not do much to prevent abuse of the system, but for the most part they apply to all bankruptcy cases and may produce unintended consequences.

Last year, numerous Senators, Administration officials, and bankruptcy experts expressed concern that certain elements of bankruptcy reform may increase the hurdles for financially troubled women and children to collect support payments and gain financial stability. Since then, a set of domestic support provisions has been added to the bill. Those provisions may be helpful to state support enforcement agencies and, in some instances, to women and children trying to collect support. However, those provisions are not at all responsive to the concerns originally identified. A close look suggests that these concerns persist:

First: Women and children as creditors will have to compete with powerful creditors to collect their claims after bankruptcy.

Current bankruptcy law provides that deadbeat debtor husbands and fathers cannot be relieved of liability for alimony, maintenance, and support, which means that those women and children as creditors are still entitled to collect domestic support from the debtor after he emerges from bankruptcy. Importantly, relatively few other debts are usually excluded from discharge, increasing the likelihood that the support recipients will be able to collect both past-due and ongoing support payments. S. 625 substantially alters that situation and increases the number of large and powerful creditors who can continue to collect their debts after bankruptcy, competing with women and children to collect their debts after bankruptcy. Women and children are likely to lose that competition.

Following are just a few examples of how S. 625 increases the competition women and children will face:

Debtors will remain liable for more credit card debts after the bankruptcy process is over. This will be true even for debtors who dedicate every penny to a 5-year chapter 13 repayment plan.

Debtors will be pressured to retain legal liability for more consumer debts by signing reaffirmation agreements, particularly in connection with debts incurred with the charge cards of large retail stores.

More of the debtor's limited resources will be siphoned off to pay creditors claiming that their debts are secured by the debtor's property, even if that property is nearly worthless.

Second: Giving ''first priority'' to domestic support obligations does not address the problem.

Arguing that the bill now favors the claims of women and children, proponents of this reform effort emphasize that the bill gives ''first priority'' to domestic support obligations. In practice, this change in priority is not responsive to the major problems for women and children in this bill. Why is this so?

Changing the priority in distribution during bankruptcy will make a difference to women and children in less than 1% of the cases, and could actually result in reduced payments in some instances.

The priority provision does not affect priority or collection rights after the bankruptcy case is over. Collecting after bankruptcy—not during bankruptcy—is often the significant issue for support recipients.

Third: Substantial enhancements of creditors' rights, without sufficient protections to keep those powers in check, undercut the opportunity for financial rehabilitation for women and children who file for bankruptcy themselves.

It is estimated that 540,000 women will file bankruptcy alone in 1999. Many of the provisions that harm the interests of women as creditors will hurt women who use the system as debtors, some of whom file after being unable to collect support. S. 625 is replete with provisions that tighten the screws on families who legitimately need debt relief through bankruptcy, and also contains many new roadblocks and cumbersome informational requirements that will substantially increase the cost of accessing the system for the families who are most in need of debt relief and financial rehabilitation.

As professors of commercial and bankruptcy law, we urge the distinguished members of the United States Senate to enact bankruptcy reform that restores an appropriate balance to the legitimate interests of all debtors and creditors. Bankruptcy law is a very complex system. Great care must be taken when revising that system not to make things worse. We have faith that you can bring about positive change.

Thank you for your consideration.

Mr. KENNEDY. I will just read at this time this particular paragraph of the letter:

Last year, numerous Senators, Administration officials, and bankruptcy experts expressed concern that certain elements of bankruptcy reform may increase the hurdles for financially troubled women and children to collect support payments and gain financial stability. Since then, a set of domestic support provisions has been added to the bill. Those provisions may be helpful to state support enforcement agencies and, in some instances, to women and children trying to collect support. However, those provisions are not at all responsive to the concerns originally identified. A close look suggests that these concerns persist:

Women and children as creditors will have to compete with powerful creditors to collect their claims after bankruptcy.

There it is: ''Women and children as creditors will have to compete with powerful creditors to collect their claims after bankruptcy''—period.

Who do you think is going to win? The powerful creditors or the women and the children? The women who might be out there trying to collect alimony, or the mothers who, as a result of a separation or divorce, are trying to get child support, or the creditors who are represented by powerful financial interests and a whole battery of lawyers? Who do we think is going to win?

Those who have studied the bankruptcy laws—without being Republican or Democrat—have all stated their belief that creditors are going to win. As a result, the women and children are going to be put at risk. So we are going to hear a great deal about how this legislation protects women and children. It does not. It does not. And we will welcome the opportunity to engage in that debate as this process moves along.

A second point that is mentioned in this letter—I will again just read a portion of it:

Giving ''first priority'' to domestic support obligations does not address the problem.

Arguing that the bill now favors the claims—

This is an additional reference to the point about women and children—

Arguing that the bill now favors the claims of women and children, proponents of this reform effort emphasize that the bill gives ''first priority'' to domestic support obligations. In practice, this change in priority is not responsive to the major problems for women and children in the bill. Why is this so?

Changing the priority in distribution during bankruptcy will make a difference to women and children in less than 1 percent of the cases, and could actually result in reduced payments in some instances.

Second:

The priority provision does not affect priority or collection rights after the bankruptcy case is over. Collecting after bankruptcy—not during bankruptcy—is often the significant issue for support recipients.

Here it is. They know how to work the language. The credit card companies know how to work the language to give the facade that they are protecting the women and children, but they are not. They are putting them at greater risk.

Why, with all the things that need to be done in this country at this time, we are trying to stampede the Senate into legislation that is going to put women and children at greater risk when they are facing hardships in their lives, is beyond my comprehension in one respect, but it is very understandable in another respect; and that is because of the same reasons that we are not getting a Patients' Bill of Rights up before us, because of the power of the HMOs and the HMO industry that are daily putting at risk the well-being and the health of American patients all across this country.

Even though there is a bipartisan majority in the House and in the Senate, the Republican leadership is refusing to bring that bill up for a vote. At the same time, they are developing what they are calling balanced budget legislation to try to give allegedly a restoration of some funding to assist some providers because of the cuts that were made at the time of the balanced budget amendment a few years ago, which took a great deal more out of those providers than ever was intended. It is generally agreed that we would restore some of those funds. Who has the priority under the Republicans? The HMOs. They want to give them the money whether they agree to continue to provide the health care or not to our Medicare beneficiaries. They just dropped close to a million of them last year, and they are here with their hands out to get another payoff.

Well, we should ask, why have we gotten this legislation? It is quite clearly because of the credit card companies that have been willing to make those contributions as well. Let the contributions fall where they may, whether they include the Democrats or the Republicans. There is no question the Republican leadership has put us in the position of bringing this proposal up in the final hours of the Congress.

Proponents also argue that the bill provides relief to small businesses which are filing for bankruptcy, but the legislation in many ways makes it more difficult for small businesses to reorganize. The effect is, more and more small businesses will fail and thousands of American workers will lose their jobs. That is the reason the various organizations that represent workers are strongly opposed to it. We heard from one of our colleagues that this is going to make it a great deal easier for small businesses. Why then are organizations that are representing these workers coming out so strongly in opposition? They understand that the provisions of the small business proposal impose more onerous and costly requirements on small businesses than they do on big businesses.

The bill requires that small business debtors comply with a host of new bureaucratic filing requirements and periodic reports. Large businesses are not subject to these requirements. Senior management of small business debtors must attend a variety of meetings at the U.S. trustee's discretion. Senior management of large businesses do not. Under this bill, small business debtors are subject to an extra layer of scrutiny by the U.S. trustee who must assess whether the debtor lacks business viability and should be dismissed out of bankruptcy. Large business debtors are not. Small business debtors are subject to repeated filing restrictions. Large business debtors are not.

I am not suggesting that large businesses should be subject to all of these provisions. I am suggesting, however, that these provisions should be reconsidered.

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

Mr. KENNEDY. Are we under a time constraint?

The PRESIDING OFFICER. Ten minutes.

Mr. KENNEDY. Mr. President, I ask unanimous consent for 3 more minutes.

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

Mr. KENNEDY. Mr. President, I will have more to say about this. I think it is very important to understand that traditionally when we get legislation, we ask who are the beneficiaries and who will pay the price for the legislation. We balance those various factors.

Quite frankly, when we look at this legislation, the people who will bear the hardship for the fact that there is some abuse in the bankruptcy laws—that we could all agree need attention and need to be addressed—are the most vulnerable in our society and are paying an extremely unfair price. That is absolutely wrong. We are going to have a good opportunity to address that in the debate to come.

I thank the Chair and yield the floor.

Mr. SESSIONS. Mr. President, I am compelled to respond to some of the outlandish allegations that have been made against the bipartisan bankruptcy bill that passed this Senate twice with over 90 votes, I believe, both times. It is a bill that has been under discussion for well over 2 years. I personally negotiated not long ago with the White House and Senator REID the last problem we had with the bill. We worked that out to the satisfaction of those who were negotiating it. I thought we were well on the way to finally passing this bill.

What we have in this body is a group of Senators who vote for it but, when the chips are down, don't help us get it up for the final vote.

The suggestion that there has been no opportunity for debate is certainly wrong. We debated it in committee, extensively in the Judiciary Committee, where I am a member. We debated it on the floor two separate years and earlier this year in great detail. We received a whole host of amendments, and we debated those amendments in detail. We voted on those amendments. It has gone to conference. Now we have a bill on the floor, and Senators are complaining that they can't now offer more amendments. You don't amend a conference report after it has been to conference. That is true of every bill that ever goes through this body.

It is shocking to me to hear some of the things that have been said about this bill. What this legislation does is say we have to do something about this incredible increase in the filing of bankruptcies in America. Over a million—it has doubled in 10 or 12 years—is the number of people who have been filing bankruptcy. Why is that so? Because you can go to your bankruptcy lawyer and if you owe $30,000 and you make $30,000 a year, you can file bankruptcy, not pay your debts, not pay one dime that you owe—not a dime—and walk away scot-free by filing under chapter 7. That is happening every day in this country, and it is an absolute abuse. It is wrong.

The family that does its best every day to pay its debts and tries to do right, are they chumps? Are they dumb because they don't run up a bunch of debts and not pay their debts and then go down to the bankruptcy lawyer and just file bankruptcy, even though they could have paid those debts if they tried to do so?

This bill addresses at its fundamental core the bankruptcy machine that is out there being driven by advertising you see on your TVs virtually every night all over America until 11 or 12 o'clock. There are these ads: Got debt problems? Call old Joe, the bankruptcy lawyer. He will take care of you.

Do you know what they tell them when they get there? They say: First of all, Mr. Client, you need to pay me $1,000, $2,000.

I really don't have that, Mr. Lawyer.

Don't pay any more debts. Get all your paychecks. Collect all your paychecks. Bring the money to me. Keep paying on your credit card. Run up your debt, and then we will file bankruptcy for you, and we will wipe out all the debts; you won't have to pay them.

The lawyer gets his money. There are lawyers of whom I am aware personally who get paid $1,000 or more and have done 1,000 or more in 1 year. That is $1 million a year, just routine, running this money through the system, basically ripping off people who need to be paid.

Make no mistake about it, when an individual does not pay what he owes and what he could pay, we all pay. Who pays? The one who is honest and pays his debts. He ultimately gets stuck with higher interest rates. The businesses lose money and can't afford to operate. That is what is happening.

They say: Well, it is health care. If you have severe medical problems and you are not able to pay your debts, you ought not to have to pay your debts.

But why should you be able to not pay the hospital, if you can? That is the question. If you can pay the bill, shouldn't you pay it? That is the question.

The fundamental part of this bill is, if you are making above median income in America, that is adjusted by how many children you have. If you have more children, your income level goes up for median income—the factors included in that. So if you can't pay your debt, you get to wipe out all your debts just like today under chapter 7. If your income is $100,000 a year and you owe $50,000 and you can easily pay at least some of that $50,000, under this law—and you make above median income—you can ask the creditors whom who you are not paying to ask the judge to put you into chapter 13. The judge may say: Mr. Debtor, you owe $50,000. We don't believe you can pay all the debt. You need to pay $10,000 of that back, and you will pay it so much a month over 3 years in chapter 13.

Chapter 13 is not a disaster. It is not a horrible thing. As a matter of fact, in my State, chapter 13 is exceedingly popular. I believe more than half of the bankruptcy filings in Alabama are filed under chapter 13 instead of chapter 7, which just wipes out your debt. With chapter 13, you go to the judge and say: I have more debts than I can pay. The creditors are calling me, and I can't pay all of them at once. The judge says: OK, stop. Pay all of your money to the court, and we will pay it out to each one of these creditors so much a month. You get to have so much to live on for you and your family.

It works pretty well. We need to do more of this. That is what this legislation will do. That is the fundamental principle.

They say: Well, it doesn't do anything about credit card solicitations.

This isn't a credit card bill. This is a debt bill. This is a bankruptcy bill. We have a banking committee that deals with credit card legislation. We had votes on credit card legislation on the floor, and people have had their say. Some passed, and some didn't. This is not a credit card bill. This is a bill to reform a legal system in America, the bankruptcy court system, which is a Federal court system that I believe is in a disastrous condition.

We have had this surge of bankruptcy filings. It has become a common thing to just up and file for bankruptcy. People used to have a severe aversion to ever filing for bankruptcy. Now that is being eroded by the advertisements and so forth that they see. There is an abuse going on.

They say it does not do anything for women and children. I am astounded at that. Under this law, alimony and child support will be moved up to the No. 1 priority in bankruptcy—even above the lawyers. That is probably why we got such an objection. The bankruptcy lawyers are the ones stirring this up, in my view.

That means if a deadbeat dad wants to file bankruptcy and doesn't pay his debt, comes in and has a low or moderate salary and doesn't want to pay anybody, under the old law his child support was way down behind the lawyer fees, bankruptcy fees, and some other things. We moved it up to No. 1. The first money that comes into the bankruptcy pot, if there is any, comes in there. Normally, that money goes to pay child support, which is, I believe, a historic move in favor of children.

This bill has broad support. It was suggested earlier that small business is being hurt by it. Small business favors it. They all favor this.

We are not stampeding this bill. This bill has been delayed unconscionably. It should have passed 2 years ago. It should have passed last year. It ought to pass this year. We have a veto-proof majority in the House and a veto-proof majority in the Senate.

It helps this economy. It helps bring integrity back into the system. It allows individuals to go down there to bankruptcy and represent themselves. They don't even have to have a lawyer. It has a lot of different things in it that are good. It eliminates a lot of loopholes and abuses that everybody agrees need to be fixed.

I can't understand this. It seems to me there is some sort of effort to yell, scream, and just say how horrible it is, and perhaps provide some figleaf to encourage the President to veto this bill. I hope he does not.

They say: Well, it has a protection in there for millionaires to have money in their houses in Florida and Texas and States that have an unlimited homestead exemption.

That is a problem. I have fought to eliminate that. We were not able to do that. The States that have the historic State procedures on this fought us tooth and claw. But this bill makes substantial progress toward eliminating that view. There is no doubt that the problem with homestead is far better in this legislation today than it is under current law if we don't do anything about it. A vote against this bill is a vote to keep the ineffective, bad current law, and not make the improvement this bill makes.

I believe it is good legislation. Senator GRASSLEY has worked on it tenaciously. We have been very cooperative with others who have problems. Time and again, it has been fixed to accommodate concerns that others would have. I believe it is a fair bill. I believe it is a good bill. I believe it is time for this country to improve what is going on in bankruptcy all over America today. And most bankrupts are entitled to it and need it.

But there are substantial numbers with high incomes who could pay large portions of that debt, if they wanted to. But once they talked to those lawyers who tell them they don't have to, they file under chapter 7 and wipe out much of their debts, and they go on leaving someone else to carry the burden.

I thank the Chair for the time. I yield the floor.

Mr. GRASSLEY. Mr. President, I'm glad we're getting around to the bankruptcy bill. I think we've got a good product. This conference report is basically the Senate-passed bankruptcy bill with certain minimal changes made to accommodate the House of Representatives. The means-test retains the essential flexibility that we passed in the Senate. The new consumer protections sponsored by Senator REED of Rhode Island relating to reaffirmations is in this report. The credit card disclosures sponsored by Senator TORRICELLI are also in this final conference report. We also maintained Senator LEAHY's special protections for victims of domestic violence and Senator FEINGOLD's special protections for expenses associated with caring for non-dependent family members.

So, Mr. President, on the consumer bankruptcy side, we maintained the Senate's position.

On the business side of things, we kept Senator KENNEDY's changes to the small business provisions. We have kept the international trade section intact. The financial netting provisions were updated to reflect technical changes suggested by the House. The new netting provisions, however, have universal support.

Finally, Mr. President, I want to make one point crystal clear. Because of objections from the other side of the aisle, we have been delayed in getting this conference report up. Because of this delay and these kind of underhanded tactics, Congress has allowed chapter 12 to just expire. Chapter 12 gives family farmers a real chance to reorganize their affairs. But that's gone now. This bill restores chapter 12. This conference report also expands the eligibility for chapter 12 so more farmers will have access to these special protections. Also, Mr. President, this conference report gives farmers in chapter 12 much-needed capital gains tax relief.

We hear a lot about helping farmers around here. This bill gives us a chance to do a lot of good. We should get on with passing this bill right away and stop playing political games with our farmers.

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

BROWNFIELDS REVITALIZATION

Mr. LAUTENBERG. Mr. President, I want to raise an issue that I believe is critical for the Congress to address before we adjourn this year. It is an issue on which environmentalists, the business community, and the labor community strongly agree. It is called the Brownfields Revitalization Act. I say it is called that. I have to explain exactly what we are talking about here.

It is an issue upon which Republicans and Democrats agree. The Brownfields Revitalization Act of 2000 is a bill I introduced with Senator CHAFEE. It now has 67 cosponsors. Two-thirds of the Senate say this is a good piece of legislation and we ought to pass it. That includes, obviously, a majority of both sides of the political aisle—a rare example of overwhelming bipartisan support.

Some accuse us of being a ''do-nothing Congress,'' that we are stuck in partisan disagreement. That can be said. But I can tell you, it cannot be said about this brownfields bill. We ought to pass it here and now as a way to show that we can still move bipartisan legislation in the Senate.

We have strong support. Dozens of environmental organizations, business, labor, and State and local governments support the bill, including the U.S. Conference of Mayors, the Real Estate Round Table, and the National Association of Realtors. It is a mix of people and interests, including the Institute of Scrap Recycling Industries and the Natural Resources Council. The list is a very long one, including various communities throughout the country as well as the organizations I mentioned.

Many don't know what we are talking about when we say brownfields. We will explain it. These are contaminated sites. They are abandoned properties that blight our communities. But also, they lie there waiting to be developed because they offer great promise for the future.

According to the Conference of Mayors, there are over 450,000 brownfield sites in the United States. They are, of course, in every State of the Union. There are brownfields in rural and urban areas and large and small communities. Citizens everywhere would benefit from this bill.

There are economic and environmental benefits from cleaning up brownfields. That is why the business community and labor so strongly support the bipartisan brownfields bill.

The Conference of Mayors has estimated that redeveloping these sites would create almost 600,000 jobs, would increase tax revenues, by their estimate, from somewhere between $900 million to $2.4 billion. What a benefit that would be to communities.

In a city in my State, Elizabeth, NJ, a town I lived in when I was growing up, we turned an abandoned site, that lay fallow for years, into an enormous shopping mall, with more than a million square feet of retail space and 5,000 permanent jobs. Elizabeth is one of the oldest industrial cities in the State of New Jersey. It is actively trying to build for the future. They are looking at hotels and a convention center thanks to brownfield revitalization. The successes in Elizabeth established proof that brownfields create jobs, hope, and opportunity for communities.

In Trenton, NJ, we have a very famous company that builds steel for bridges and structures all across this country, formally called Roebling & Sons. We have a picture of what happened to this site as it sat for years. I know my State so well; I remember the dump site. It was almost a lagoon of toxins. It was broken down. Anyone could see in the picture the terrible deteriorating condition.

Then we have a brownfield restoration program and this is what happened: It became a full-service supermarket, the first market in the city in many years. This is our capital city, with an office building and senior housing. It is almost a miraculous rebirth.

There is a risk in letting these brownfield sites sit there. The risks are substantial. They pose threats to human health and the environment, they create blighted downtown areas often leading to crime and loss of jobs. It forces development of farmland and open spaces. It causes sprawl. The result is increased driving time for those who have cars living in these cities,

with traffic congestion and air pollution.

The bipartisan brownfields bill will make major strides in revitalizing sites across the country. They are small sites, typically for $200,000 and less. They can be turned into productive urban centers or rural centers where commerce can take place and jobs exist.

The bill provides critically needed funds to assess and clean up abandoned and underutilized brownfield sites. They can use them for parks and greenways. They encourage cleanup and redevelopment of the properties by providing another important element: legal protection for innocent parties such as contiguous property owners and prospective purchasers, innocent land owners. They need to know that their liabilities are limited. Otherwise they are not going to take the risk in putting money into the sites.

It helps, also, to encourage other cleanups of State and local sites creating a certainty for those who would invest there, and ensures protection for public health. When the sites are revitalized, the results are obvious: jobs, a stronger local tax base, curbing sprawl, preserving open space, and protecting the health of our citizens.

Some suggest there are other ways to solve this problem by revitalizing or reforming or reauthorizing our Superfund Program. That is a nice idea, but unfortunately, we have been working 8 years to get the parties together to get the Superfund Program reauthorized. The Superfund handles the enormous sites that dot our landscape, without success.

I, personally, since I have been so involved in the environmental committee and in environmental issues, wanted to get to work on Superfund and get it done before I left the Senate, which is effectively in the next few days. I will have lost my opportunity to talk on this floor and get some of the things done that we still have ahead. The value of this legislation is real and it is current.

While the sites, by their very definition, are not the size of Superfund sites, the overwhelming majority of brownfields are not Federal cleanup problems but are being cleaned up by States and local governments.

This bill will give incentives and protection at those hundreds of thousands of State sites. We owe this relief to our communities. They can take the money and get an investor to develop the site. We should not hold this bill hostage. There are 67 Members, two-thirds of the Senate, bipartisan, who do not want to see this bill lying around here and not getting passed. Mr. President, 67 Senators have spoken. Business groups support this, as do environmentalists, and State and local governments. The legislation ought to pass.

It is a very simple task. The time for this bill to pass is now. I hope my colleagues will act to move this legislation as quickly as possible. They have cosponsored the bill. If we can just put it in the line of things, it need not take a long time to debate or discuss. I hope we can pass this legislation soon.

I yield the floor.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, H.J. Res. 114 is read the third time and passed.

The motion to reconsider is laid upon the table.

COLORADO UTE SETTLEMENT ACT AMENDMENTS OF 2000

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 723, S. 2508, as under a previous order. I further ask consent that any votes ordered with respect to that legislation be stacked to occur at a time to be determined by the majority leader with the concurrence of the minority leader.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2508) to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4303

Mr. CAMPBELL. Mr. President, I call up my amendment No. 4303.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for himself, Mr. ALLARD, Mr. BINGAMAN, and Mr. DOMENICI, proposes an amendment numbered 4303.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. CAMPBELL. I ask unanimous consent that 30 minutes of debate on the bill be under my control, and that 30 minutes of debate on Senator FEINGOLD's amendment be divided, 20 minutes under Senator FEINGOLD's control and 10 minutes under my control.

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

Mr. CAMPBELL. Mr. President, I am pleased to be joined in offering the proposed amendment by three of my distinguished colleagues: Senator ALLARD, who is with me on the floor tonight; Senator BINGAMAN; and Senator DOMENICI from New Mexico. This is a bipartisan effort. I thank each of them for their support. All four of us representing the States of Colorado and New Mexico have actively supported this project since its inception. And, hopefully, S. 2508 will be the last time we need to deal with this long overdue project.

In 1956 and 1968, decades ago—in fact, before I was ever elected to any public office—the United States promised the residents of southwestern Colorado they could count on the Government to assist them in developing the region by ensuring an adequate and reliable water supply for the benefit of the tribes and the non-Indian community. In fact, in 1968, this project was authorized at the same time as the central Arizona project and the central Utah project, both of which have been completed.

Even before that, nearly 100 years before in 1868, the United States made a treaty that guaranteed the southern Ute and Ute Mountain Indian tribes of California a permanent homeland. No one could suggest this did not include the right to an adequate water supply.

In 1987, as a freshman Member of the House of Representatives, I introduced legislation to settle the Ute water rights claims. This settlement act was signed by President Ronald Reagan in November of 1988. For the next two Congresses, I worked to obtain the funding needed to implement this agreement, as did my colleagues from New Mexico and Colorado. The 1988 settlement act is currently the law of the land.

Unfortunately, that law has never been complied with. When I came to the Senate, I worked to secure the funding for the massive environmental studies needed on the proposed projects. I have also worked to prevent misguided attempts to deauthorize or defund this necessary project. The Federal Government's responsibility to build this project is even more urgent because the Colorado Ute tribes have claims to much of the water that is already being used and has been used for generations by their non-Indian neighbors.

The urgency of this bill has increased too because under the 1988 Agreement the Tribes can go back to court to sue the Federal Government if the project was not completed by the year 2000. That is obviously not going to happen.

The four of us I have fought for the fulfillment of these promises because I know what will happen if the Government is allowed to forget its promise to this region and walk away from its commitment to provide a firm water supply. Most important, the united States, the State of Colorado, the two Ute Tribes, and the non-Indian residents will spend the next few decades and millions of dollars in the Federal courts fighting for the limited water supply that exists in this region. There will only be losers in this fight because the non-Indians will lose the legal right to use the water, and the indians may never have the ability to put the water to use. The ironic part is that if

this issue ends up in the courts—it will pit one Federal agency against another with your tax money paying for attorneys on both sides.

As the author of the Colorado Ute Indian Water Rights Settlement Act of 1988 and now as the chairman of the Senate Indian Affairs Committee, I have an additional responsibility to make the United States fulfill its promise to this region.

The Ute Water Rights Settlement Act of 1988 is a commitment to the Ute Tribes. This commitment is very similar to the 472 treaties previously approved by the United States Senate. In those treaties, each tribe agreed to give up a great deal in return for a guarantee that the United States would recognize and protect the tribes' rights to the reservation land guaranteed to them by the treaty. Also, as with other treaties, the opponents did not even wait until the ink was dry before they began trying to convince the United States to break its terms. Even though the States of Colorado and New Mexico have spent over $40 million to implement their part of the agreement. and Congress has already appropriated over $50 million which went to pay the Tribes to drop their lawsuits.

All of the 472 other treaties have been violated by the United States. But in this case, if the government does not fulfill the treaty terms, it is not only the Indians who will suffer, but all of the non-Indians in the region.

As many of my colleagues are aware, the United States has two choices when it comes to the Ute water rights: we can build the facilities needed to store water for the tribes or we can reallocate the water from those who are presently using it. Estimates are that between ¼ and ½ of all non-Indian irrigators would lose their water rights if we forcibly reallocate it.

Throughout a negotiation process sponsored by the state of Colorado, the tribes and local water users tried to convince the project opponents that reallocating the limited water supply is an unrealistic, risky, and disruptive way to resolve the tribal water rights claims; because it deprives hundreds of non-Indian water users of their rights to life giving water.

Clearly, the ALP opponents will continue to oppose any project that provides any water storage. Compromise—and this bill is the 4th one—is not in their vocabulary. When the opponents tried to use environmental laws to delay and frustrate the project, the coalition of Indian tribes and local water users responded in two ways. First, they agreed to reduce the size of the project, so it could be built in a manner consistent with numerous existing environmental studies and reports, and would cost ⅓ of the cost of the original project. They also insisted that any reduction in the project size should require the government to make use of its existing studies when analyzing the project's environmental impact; rather than restart the whole process all over again.

It was difficult to convince me that we should follow this strategy and agree to build only a small part of the ALP that was passed in 1988. When I introduced this proposal in the last Congress, I knew that even a substantially reduced project would not satisfy the project's opponents. They don't want a smaller project: they want a dead project. I also knew that these opponents would work to mischaracterize any attempt to make use of the existing environmental documents. We did not have to wait very long for everyone to see that each of these concerns was correct. During the 105th Congress, the last time we reached a compromise and a bill was introduced, an administration official appeared before my committee and opposed a bill that offered to downsize the project in order to settle the tribal water rights claims.

But this left the administration with no feasible way to resolve the tribal claims. In fact, as the Department of Interior began to produce a new supplemental environmental impact statement, it compared the smaller project with the idea of just buying water rights. Even the present management of the Department of Interior could not deny that the only realistic, feasible alternative available to the government is to store some of the waters of the Animas River.

The Record of Decision signed by the Interior Secretary on September 25, 2000 explicitly and implicitly recognize all of these facts. It can be found at http://indian.senate.gov.

In fact Mr. President, the lateness of having this Record of Decision on file is the reason we could not move this bill sooner. For the first time, this administration is strongly on record in favor of settling tribal water claims by building an off-stream storage facility at Ridges Basin. The Record of Decision also rejects the any alternative to settling the tribal water claims, especially the unrealistic, risky, and disruptive schemes that have been proposed by the opponents of the ALP.

Although I have agreed to sponsor this amendment, which implements the Record of Decision, I am still very concerned that the non-Indian beneficiaries of the project have been asked to give up too much. I am sure that there are those who will ask these people to give up even more. But I think that they have given up more than enough.

Under my amendment, the Animas-La Plata Project will consist of the facilities needed to divert and impound water in an off-stream reservoir. This provision will only take effect if these features are actually constructed. By taking this step, a number of potential project beneficiaries agree to forgo a substantial number of benefits that were promised to them by their own government in 1968.

In my view, the Federal Government is not fulfilling all of its obligation to these people, but they seem to have no alternative. They will receive substantially fewer benefits than they were promised. In addition, they will bear an even greater share of the cost for the benefits than those using Federal reclamation projects in other states, especially in the States of Arizona, California, and Utah which were originally authorized at the same time in 1968.

Many people now regret the subsidy of western water development, so they are taking it out on the ALP. However, in this case, they cannot do this without injuring the Ute Tribes. Some people will argue that they are only opposed to the part of the project that provides water to non-Indians. But the Ute Tribes refuse to allow the Federal Government to break all of its promises to the non-Indian project beneficiaries. Why? Because the Ute tribes know that they will be next. The tribes and their non-Indian neighbors have held together in a unique and strong coalition of Indians and their non-Indian neighbors that from my perspective is quite rare.

This project has been an 18 year effort for myself, for Senator BINGAMAN, Senator ALLARD and Senator DOMENICI. We worked together on it. The tribes have worked in good faith with the non-Indian project users to produce an agreement that allows the project to be built in a manner consistent with every existing environmental study and standard. We are consistent in the writing of this bill. As I understand the Record of Decision, the Department of Interior has also concluded that the time for studying the project has come to an end. And the time for actually fulfilling the government's promises to Indians and non-Indians is finally at hand.

For these reasons, I ask my colleagues to support S. 2508 as presented in amendment No. 4303. This is the last best chance for the United States to live up to the obligations freely embraced in 1956, 1968, and 1988, not to mention the 1868 treaty with the Ute Tribe.

Mr. President, I ask unanimous consent the following letters of support of the bipartisan version of S. 2508 be printed in the RECORD, opposed to the Feingold amendment: From the State of Colorado, the Governor of Colorado, the Attorney General of Colorado, elected tribal governments of Ute Mountain and Southern Ute Indian Tribe, and the Native American Rights Fund.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF COLORADO,
Denver, CO, October 17, 2000.

DEAR REPRESENTATIVE: Before you decide whether to support the scaled-down Animas La Plata Project as described in H.R. 3112 and S. 2508 (as now proposed by Senator Campbell), the people of the State of Colorado urge you to consider the following facts:

The Clinton Administration has completed NEPA review of the scaled-down ALP as proposed by Secretary Babbitt in August of 1998.

The Department of Interior's Final EIS, and the accompanying Record of Decision

signed by Secretary Babbitt, both determined that the scaled-down project ''is the environmentally preferred alternative, to implement the 1988 Settlement Act'' with the Colorado Ute Tribes.

The proposed amendments by Senators Campbell and Allard ensure repayment of all non-Indian water supply costs. There are no ''caps'' on the non-Indian repayment obligation. In fact, the bill calls for an up-front payment and a final cost allocation after the project is completed. The Record of Decision and the Campbell/Allard amendment both require repayment to comply with federal law—it is the opponents who want to change federal law with respect to project repayment.

The legislation allows for only the construction of the scaled-down project—it prevents construction of any part of the ALP that is not explicitly referenced in the bill. This preserves the complex balance of interstate issues on the Colorado River while preventing the construction of components not referenced in the legislation.

The amendments proposed by Senators Campbell and Allard remove any language from the bill that could remotely be construed as ''sufficiency language'' that would preclude future environmental review. Through the Record of Decision, the Department of the Interior, the Environmental Protection Agency and the Council on Environmental Quality call on Congress to amend the 1988 Act to provide for the construction of the scaled-back project.

In light of the federal government's trust obligation to the Colorado Ute Indian Tribes, Congress has a responsibility to know the facts about the project. Once you know the facts, I'm sure you will join us in supporting legislation to resolve this 100 year Indian water rights controversy. Thank you.

Sincerely,

BILL OWENS,
Governor.

ATTORNEY GENERAL OF COLORADO,
Denver, CO, June 16, 2000.

Re: Animas-La Plata project

Wesley Warren,
Associate Director for Natural Resources, the Environment and Science, Office of Management and Budget, Old Executive Office Building, Washington, DC.

DEAR WESLEY: Thank you for meeting with me by telephone yesterday. I think our discussion was very productive. I want to follow up with a more detailed explanation of why it is important to the State of Colorado that Ute Tribes settlement legislation not deauthorize those features of the Animas-La Plata Project that are not currently contemplated.

In 1956, Congress enacted the Colorado River Storage Project Act to enable the states of the Upper Colorado River Basin to use their compact allocations. CRSP is composed of four initial storage units—Aspinall, Flaming Gorge, Navajo, and Glen Canyon—and 25 additional authorized participating projects in Colorado, New Mexico, Utah, and Wyoming—eight of which (including Animas-La Plata) have not been built.

The CRSP Act authorized a separate fund in the United States Treasury, the Upper Colorado River Basin Fund. Revenues in the Basin Fund collected in connection with operation of the initial units are used first to repay the operating costs of the initial units and second to repay the United States Treasury investment costs previously spent on those units. Any excess revenues from the initial units are then used to help repay the Treasury for participating project irrigation costs within each upper basin state that exceed the irrigators' ability to repay. These excess revenues are apportioned among Colorado (46%), Utah (21.5%), Wyoming (15.5%), and New Mexico (17%).

This allocation of Basin Fund revenues was the result of hard bargaining among the upper basin states. Colorado anticipated that a large part of its allocation would be used to repay the irrigation costs of the Animas-La Plata Project, and those costs are still included in the apportioned revenue repayment schedule. Although H.R. 3112 and S. 2508 authorize a much smaller project than originally contemplated and completely eliminate irrigation uses, the authorized participating project still serves as a ''placeholder'' for Colorado's share of the Basin Fund. Colorado could in the future seek legislation that would allow it to use those revenues for other purposes, such as the endangered species recovery programs on the Colorado River, San Juan River, and Platte River.

Environmental and ''green scissors'' organizations have raised the concern that, unless the remainder of Animas-La Plata is deauthorized, the reduced project will be a foot in the door for a larger project. H.R. 3112 and S. 2508 address that concern by explicitly requiring express Congressional authorization before any other facilities could be added. Moreover, any additional facilities would be subject to all the requirements of NEPA, the Clean Water Act, and the Endangered Species Act. In short, any attempt to build additional project facilities would encounter all the obstacles that have blocked construction in the past.

Although I believe that the ''delinking'' language of H.R. 3112 and S. 2508 is adequate to ensure that the smaller project is not the opening wedge for a larger project, Colorado and its water users are willing to work with the Administration to satisfy its concerns. We ask that you meet us halfway, however, and to insist on language that could deprive Colorado of the benefit of hard-fought negotiations and a carefully crafted agreement with the other upper basin states and the United States. This narrow Indian water rights settlement legislation is not the place to try to resolve broader ''law of the river'' issues.

Another issue that is important to Colorado and its water users is the repayment provision. We agree that the non-Indian project partners should pay their full share of project costs. However, it is important that Colorado water users have the option of paying their share as a lump sum prior to construction. In agreeing to a smaller project, the State of Colorado and its water users are giving up substantial benefits negotiated as part of the original settlement and Phase I of the project. In return, we should receive reasonable certainty as to project costs. I also urge the Administration to deal fairly with water users in determining reimbursable costs. For instance, they should not be held responsible for sunk costs associated with water that will not be provided to them by the reduced project.

I appreciate the Administration's support for this legislation. I am committed to working with the Administration to achieve final settlement this session. Please feel free to call me if I can be of any assistance.

Sincerely,

KEN SALAZAR.

UTE MOUNTAIN UTE TRIBE,
SOUTHERN UTE INDIAN TRIBE,
October 18, 2000.

DEAR SENATOR: We are writing as the elected leaders of the Southern Ute and Ute Mountain Ute Indian Tribes to ask that you support the bipartisan version of S. 2508 introduced by Senators Campbell, Bingaman, Domenici and Allard on October 6, 2000, and oppose the amendment offered by Senator Feingold of Wisconsin.

The bipartisan version of S. 2508 is the product of years of hard work by our Tribes, the States of Colorado and New Mexico and local water users. Just like any other settlement, S. 2508 is the result of many compromises that were required to make it acceptable to all of the affected parties. Our settlement has the full support of the Clinton Administration.

Senator Feingold's proposed amendment upsets this delicate balance. First, it singles out the non-Indian parties to our settlement to pay the costs for recreation and fishery uses which benefit the general public. Such costs have never before been imposed on those who use water from federal reclamation projects. Second, the amendment demands that Colorado, alone among the Colorado River Basin States, surrender significant revenues from the power generated on the Colorado River in order to settle the pending tribal claims to water. These belated and punitive changes impose an unfair burden on our settlement partners.

Please help us to complete the settlement of our tribal water rights by opposing Senator Feingold's amendment which undermines the equitable agreement which the Tribes and our non-Indian neighbors have negotiated.

Sincerely,

JOHN BAKER, Jr.,
Chairman, Southern Ute Indian Tribe.
ERNEST HEUSE, Sr.,
Chairman, Ute Mountain Ute Tribe.

NEW MEXICO
INTERESTATE STREAM COMMISSION,
Santa Fe, NM, October 19, 2000.

Senator BEN NIGHTHORSE CAMPBELL,
Chairman, Senate Indian Affairs Committee, Washington, DC

DEAR SENATOR CAMPBELL: As chairman of the New Mexico Interstate Stream Commission, I urge you to defeat Sen. Russell Feinglold's proposed amendments to S. 2508 because they are unfair and contrary to current law. Your substitute bill, which is the product of compromise and sacrifice by New Mexico, should be passed without amendment.

The substitute bill we have is fair to the parties, and it should not be changed at this late date. The proposal to make fish and wildlife mitigation expenses reimbursable is patently unfair to the people of New Mexico. The recreation facility is in Colorado, and making New Mexicans pay for the mitigation is unreasonable. More importantly, the provision is contrary to the 1956 Colorado River Storage Project Act, Section 620g of the Act specifically says that fish and wildlife mitigation activities will be non-reimbursable.

The irony is that if the project proponents had not reached a compromise to settle the Indian water claims and built the Animas-La Plata Project, the mitigation costs would not be reimbursable. But this amendment punishes new Mexico and the Colorado non-Indians for compromising by taking away that protection and making the costs reimbursable. Likewise, the amendment to remove the protection of the Colorado River Storage Project Act on payment issues is unjust. It is an issue of simple fairness. Additionally, this is not the proper vehicle for changing Reclamation law. The amendments should be defeated.

The amendment to change the deauthorization provision of the bill also should be defeated. Under the current bill, once the ALP is constructed, any further facilities would require Congressional action. This in effect is deauthorization. Under Feingold's amendment, the deauthorization is included in the bill, but there is no guarantee of construction of the project.

We've seen the federal government back out of building this project many, many times, and we don't trust them. We want the project to be built, then we'll accept the provision that additional facilities must obtain separate Congressional authorization. Reversing the order, as provided in the amendment, is not acceptable.

Both versions have equivalent results in terms of making sure additional facilities obtain new Congressional approval, but Feingold's version does not give us the necessary guarantee that the project will be built before the provision takes effect. It should be defeated along with the rest of his amendments.

Senator Campbell, I appreciate your hard work on this important legislation, and I urge you to pass it without the amendments offered at the 11th hour.

Sincerely,

RICHARD P. CHENEY,
Chairman.

SAN JUAN WATER COMMISSION,
Farmington, NM, October 19, 2000.

Senator BEN NIGHTHORSE CAMPBELL,
Chairman, Senate Indian Affairs Committee, Washington, DC.

DEAR SENATOR CAMPBELL: As Executive Director of the San Juan Water Commission, I urge you to defeat Sen. Russell Feingold's proposed amendments to your S. 2508 as amended because they are unfair and contrary to current law. Your substitute bill, which is the product of hard compromise and sacrifice by New Mexico, should be passed without further amendment.

The substitute bill treats all parties fairly, and it should not be changed now. The proposal to make fish and wildlife mitigation expenses reimbursable is grossly unfair to New Mexico. The recreation facility is in Colorado, and making New Mexicans pay for the mitigation is unreasonable. More importantly, the provision is contrary to the 1956 Colorado River Storage Project Act. Section 620 g of the Act specifically says that fish and wildlife mitigation activities will be non-reimbursable.

If the project proponents had not reached a compromise to settle the Indian water claims and built the Animas-La Plata Project, the mitigation costs would not be reimbursable. But this amendment punishes New Mexico and the Colorado non-Indians for compromising by taking away that protection and making the costs reimbursable. Likewise, the amendment to remove the protection of the Colorado River Storage Project Act on payment issues is unjust. Additionally, this is not the proper vehicle for changing Reclamation law. The amendments should be defeated.

The amendment to change the deauthorization provision of the bill also should be defeated. Both versions have equivalent results in terms of making sure additional facilities obtain new Congressional approval, but Feingold's version does not give us the necessary guarantee that the project will be built before the provision takes effect. It should be defeated along with the rest of his amendments.

If the Feingold amendments are passed, the San Juan Water Commission will be forced to reconsider its support for S. 2508 as you reported it in the Congressional Record. Senator Campbell, we appreciate your hard work on this important legislation, and I urge you to pass it without the amendments.

Sincerely,

L. RANDY KIRKPATRICK.

UTE MOUNTAIN UTE TRIBE
SOUTHERN UTE INDIAN TRIBE,
September 13, 2000.

TAKE NOTE: IT'S NOT YOUR FATHER'S ALP
(H.R. 3112 AND S. 2508)

No matter how things change, they remain the same.

Opponents of the Colorado Ute Indian Water Rights Settlement Act and proposed amendments which would drastically reduce the size and cost of the Animas-La Plata Project continue to distort the truth about our Tribes, the project's impacts and its costs.

The Southern Ute and Ute Mountain Ute Indian Tribes, and our sister Tribes the Navajo Nation and the Jicarilla Apache Tribe, strongly support legislation which would amend the original Settlement Act of 1988 to provide for the construction of a downsized reservoir.

Opponents still believe they know better than the Tribes themselves how best to settle our water rights claims. In a September 5 letter from the Green Scissors Campaign, they say there is a less costly and less environmentally destructive way to achieve that goal. They offer you no explanation of what that alternative is. They also don't tell you that the recently completed analysis under NEPA finds that the least costly and least environmentally destructive solution to resolving our water rights is to build the reduced-size project. The nonstructural alternative favored by the opponents of the Indian settlement will cost more than the down-sized ALP and that its impact on wetlands in particular is more destructive than ALP. And, they won't tell you that our Tribes have emphatically rejected the nonstructural alternative.

Still, the opponents of our Indian water rights settlement say the project as proposed is a foot in the door for the project authorized in 1968. Read carefully, H.R. 3112 and S. 2508 clearly cut the tie between this project and any other facilities for purposes of our settlement, and the bills explicitly state that any additional facilities separate from this project would require new authorization from Congress.

The local rafting industry, devastated this year by drought says the project will forever affect their livelihood and dewater the river. In fact, the current NEPA analysis finds that, on average, only six of 112 rafting days with flow of 300 cfs or higher would be lost.

Opponents of our settlement continue to claim that our non-Indian neighbors will get subsidized water for development and that they are the true beneficiaries of H.R. 3112 and S. 2508. The bills provide for small amounts of water for the two non-Indian water districts for rural and domestic use purposes, and storage of water already allocated to New Mexico communities. Current law does not require that "other project costs" be paid by water users as suggested by our opponents, and the non-Indians will be required to pay an amount determined by agreement with the Administration for their portion of the water.

Finally, to suggest that "a water project of this size should not be constructed without full and fair environmental review" is ludicrous. The settlement was approved in 1988. Repeated environmental and public review have taken place before that and since then. An entirely new NEPA analysis has just been completed and we are awaiting the issuance of a Record of Decision. The pending NEPA document indicates this proposal to be the best way, economically and environmentally, to provide full settlement of our legitimate claims. It also concludes it is the best alternative for the other Tribes—Navajo and Jicarilla—in the basin.

Let's get to the bottom line. No project, regardless of its size or the amount of water provided to our people, will ever get the support of our opponents. Storage of our water is our "foot in the door" for a long-term, firm supply of water for present and future generations of Utes.

When the House Resources Committee marked up H.R. 3112, only one member voted no and one voted present. In the Senate Indian Affairs Committee, no opposing votes were cast. Clearly there is recognition of sacrifices made in the name of fulfilling our settlement.

Those who have fought the Animas-Las Plata Project and our settlement as a symbol of the past (Jurassic Park) should declare victory and move on. Costs are cut by two-thirds, the lion's share of the water goes to our Tribes and irrigation facilities have been eliminated. Everyone has compromised except the opponents.

We hope that you will look at today's Animas-La Plata Project, and how much has been foregone by our non-Indian neighbors in order to fulfill the promise of the 1988 Act and the government's word of more than a century ago.

Thank you in advance for keeping faith and supporting amendments to the Colorado Ute Indian Water Rights Settlement Act.

Chairman JOHN E. BAKER, Jr.,
Southern Ute Indian Tribe.

Chairman ERNEST HOUSE, Sr.,
Southern Ute Indian Tribe.

NATIVE AMERICAN RIGHTS FUND,
Boulder, CO, October 18, 2000.

DEAR SENATOR: I am distressed by continued opposition to the Colorado Ute Indian Water Rights Settlement and construction of a much-downsized Animas-La Plata Project to implement the settlement passed in 1988. The Native American Rights Fund also opposes the Feingold amendments to the pending Senate bill S. 2508.

During the last 12 years, I have watched the Southern Ute and Ute Mountain Ute Indian Tribes struggle to achieve their goal of a firm water supply for present and future generations, without taking water away from their neighbors. In the course of that struggle, many sacrifices have been made in an effort to address concerns opponents raised about project cost, environmental impacts, even the allocation of water between Indians and non-Indians.

Now, those who have sacrificed nothing—made no compromises at all—continued to urge Congress to reject the amendments which would downsize the project. It seems nothing will satisfy project opponents except no project at all.

I urge you to support the Campbell amendment to the Colorado Ute Indian Water Rights Settlement Act. Those amendments implement the Record of Decision signed by the Secretary of the Interior Bruce Babbitt on September 26 of this year. NARF also urges a no vote on the proposed amendments by Senator Feingold. Further delay in satisfying the Utes' legitimate claims is further injustice to the Ute people.

Sincerely,

JOHN E. ECHOHAWK.

Mr. CAMPBELL. Mr. President, before I yield the floor, I would like to yield a few minutes to Senator ALLARD, my colleague, who has also worked on this bill for so long.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank my colleague from Colorado for yielding me some time here. This is an important piece of legislation that my colleague has been working for. I rise in support of S. 2508, called the Colorado Ute Settlement Act Amendments of 2000. It has been worked on for some 18 years by my colleague, Senator BEN NIGHTHORSE CAMPBELL. I wish to take a few moments to commend everyone who has worked on behalf of this piece of legislation, and for their efforts to resolve this issue.

In Colorado, earlier this year—maybe it was last year—there was a group of us who did get together, Congressman MCINNIS, myself, we had Senator CAMPBELL, and Secretary of Interior Babbitt.

We got together what we called the great sand dunes conference. All four of us walked up on those great majestic sand dunes. We talked about the future of the great sand dunes, and we had a discussion about the Animas project. At that point, we had our staffs standing off on the far side. All of our supporters were wondering what the four of us were talking about. We were talking about common ground and how we could come to an agreement to get the Animas-La Plata project passed. It was a great opportunity my colleague took at that time to talk to the Secretary of Interior while he was breathing some of that fresh mountain air of Colorado and clearing his thinking a little bit, and that got things off to a good start.

This new legislation is a product of that meeting, and it reflects significant compromises and challenges we all faced in getting to this historical moment.

Growing up in rural Colorado and throughout my tenure as a public servant, it seems the Animas-La Plata conflict has endured. Every time water and water projects were discussed, the promises and unsettled claims to the Colorado Ute Indian tribes always persisted.

Now the time has come for the Federal Government to fulfill its obligations to the Ute Indian tribes and satisfy the water treaty.

The project was originally authorized in 1968 with the help of then-Congressman Wayne Aspinall, a good friend of the Allard family and former chairman of the House Interior Committee. I knew Mr. Aspinall. He served Colorado honorably. Over the past 32 years, since authorization, we have tried to get this project completed with bipartisan efforts by former Congressmen Ray Kogovsek and Mike Strang. Now, with the outstanding leadership of Senator CAMPBELL, who for 14 years has championed this project, I believe the end is near. After 132 years, the time has come for the United States to finally do the right thing and meet its treaty obligations.

I commend Senator CAMPBELL for his tireless efforts, from his days in the House of Representatives, to his current time in the Senate and through three different Presidential administrations, to fulfill our Nation's treaty obligations.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I yield to my friend from New Mexico, Senator BINGAMAN, who has worked long and hard on this issue.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague from Colorado. Senator CAMPBELL has worked very hard on this. This has been a major project of his. I do not know how many conversations he and I have had on this subject in the last 2 years, but I can tell you it has been many. There have been many of those conversations.

In 1988, Congress passed legislation endorsing a settlement of Indian water rights for the southern Ute and Ute Mountain Indian Tribe which had been agreed to by the Departments of Justice and Interior, the two tribes, and the State of Colorado and the State of New Mexico. But that 1988 legislation envisioned an Animas-La Plata River Project that would meet a number of regional water needs, including the water for the Navajo Nation and the non-Indian communities.

The project envisioned by that legislation has proven infeasible to implement in terms of the cost and also in terms of the environmental consequences, but the need to settle these water rights and live up to the national commitment to these two tribes remains. The two Ute tribes and their neighbors within the San Juan basin have developed a revamped water allocation for a downsized Animas project which the Ute tribes will agree to as a settlement of their water rights. The allocation also supplies a much needed water supply to the Shiprock community of the Navajo Nation and continues the concept that tribes in non-Indian communities must work together collaboratively on a regional basis to solve their water needs.

The downsized project is in accordance with the final environmental impact statement issued by the Department of the Interior. In the judgment of the Secretary of Interior, it would comply with Federal environmental laws. He has made that very clear. The Secretary has determined that the project authorized in this legislation also will meet the trust responsibilities of the United States with regard to the settlement of the water rights of these two tribes.

This is a project and an issue that has been a concern of people in the northwest part of New Mexico for many years. I have seen various versions of this project discussed and considered over this period of time. I am persuaded that this final so-called ''Animas Lite,'' which is what is generally discussed, or the name that has come to be attached to what is now being considered by the Senate, is a good resolution of many conflicting and competing concerns.

I hope very much that we can pass this bill, that we can do so without amendment, and that we can send it to the President for his action.

Again, I commend Senator CAMPBELL for his hard work in getting us to this point. I hope very much we can follow his lead and send this legislation to the President for his signature.

Mr. President, I yield the floor and yield back my time.

Mr. DOMENICI. Mr. President, I am very pleased today, Mr. President, that Senator CAMPBELL introduced this critical legislation, and am proud to have supported and cosponsored his efforts from the beginning. He and I have faced many a battle regarding this issue over the years. I believe, however, that this legislation reflects the cooperative efforts among the parties to secure needed water supplies in Colorado and New Mexico, and I am pleased it may finally become law.

While we are running out of time in this Congress, the Secretary of Interior signed a Record of Decision on September 25 supporting these amendments, and his staff helped to negotiate them. The time is ripe for action. After years of hard work by the proponents, everyone is ready to move forward.

The Southern Utes and the Ute Mountain Utes have a 5-year window before they have to sue to enforce their water rights. Passage of this legislation will settle negotiated claims by the Colorado Ute Tribes on the Animas and La Plata Rivers, while protecting other water users.

For years now, the San Juan Water Commission, together with non-Indian water users in New Mexico, Colorado, and the Ute Mountain Ute and Southern Ute tribes have been negotiating with the Department of the Interior, the Environmental Protection Agency and other to resolve the complex problems surrounding the Animas-La Plata project and water usage in the four corners area. The bill has Administration support, which has been long-fought and hard-won. Finally, the administration has shown their interest in settling the Colorado Ute Indian water rights claims by accepting the tribes' own suggestions and water needs of the Four Corners non-Indian community.

In New Mexico, this legislation will provide needed water for the Navajo Community of Shiprock and protect San Juan-Chama project water, on which tribes, towns and cities along the Rio Grande rely. The New Mexico portion of the project will be used by the San Juan Water Commission to provide water to the residents of North Western New Mexico and by the Navajos for their use in the Northern Navajo Nation. This legislation is not intended to quantify or otherwise adversely affect the water rights of the Navajos, and they support this legislation.

In anticipation of development of the Animas-La Plata project, the state of

New Mexico set aside 49,200 acre feet of water in 1956. Importantly, this legislation allows the State Engineer from the State of New Mexico to return all or any portion of the New Mexico water right permit to the Interstate Stream Commission or the Animas-La Plata beneficiaries.

I am pleased the proponents of the Animas-La Plata project have participated in the long process to search for compromise. I support the direction of the participants in this process to reduce costs, provide environmental benefits, and provide water for the Colorado Ute tribes under the 1988 Settlement Act.

Mr. President, the administration has a duty to protect the federal trust relationship with the Ute tribes, as well as a duty to the state of New Mexico to make good on the promises of 40 years ago. S. 2508 represents a compromise for which all parties affected have labored long and hard to achieve. It is the long-overdue vehicle for implementing the United States' promise of water to New Mexico, Colorado and the Colorado Ute tribes while still addressing the needs of endangered species and the American taxpayer. Water scarcity continues to be a critical issue in the arid West and no one would benefit from litigation of water rights if we do not press forward.

According to recent scientific predictions, rationing may be required within the next two years. Successful development of additional water in the San Juan Basin, with its endangered fish, will give the rest of New Mexico good arguments why other endangered fish, such as the silvery minnow, can co-exist with additional water development. Additionally, successful settlement of the two tribes' claims will remove the threat of disrupting the water supply vital to the economic and industrial base for Northwest New Mexico, which contributes to the rest of New Mexico. The citizens of Northwest New Mexico have waited more than 40 years for this water—that's long enough.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I thank my friend and colleague from New Mexico. We are neighbors. Certainly his northern New Mexico area and the southwest Colorado area have histories which are very similar, our present is similar, and our futures are literally tied together. I thank him for the years of service and hard work he has done on this issue.

Mr. President, I have no further comments. I ask unanimous consent, as under the agreement, Senator FEINGOLD be recognized to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin.

AMENDMENT NO. 4326 TO AMENDMENT NO. 4303

Mr. FEINGOLD. Mr. President, I thank the Senator from Colorado. Pursuant to the previous order, 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 Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 4326 to amendment No. 4303.

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

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

The amendment is as follows:

On page 10 of the amendment, line 11, insert '', to restrict the availability or scope of judicial review, or to in any way affect the outcome of judicial review of any decision based on such analysis'' before the period.

On page 10 of the amendment, strike lines 12 through 23 and insert the following:

''(C) LIMITATION.—No facilities of the Animas-La Plata Project, as authorized under the Act of April 11, 1956 (43 U.S.C. 620)(commonly referred to as the 'Colorado River Storage Act'), other than those specifically authorized in subparagraph (A), are authorized after the date of enactment of this Act.

On page 11 of the amendment, beginning on line 21, strike ''Such repayment'' and all that follows through ''.).'' on line 24.

On page 12 of the amendment, line 9, insert after the period the following: ''Fish and wildlife mitigation costs associated with the facilities described in paragraph (1)(A)(i) shall be reimbursable joint costs of the Animas-La Plata Project. Recreation costs shall be 100 percent reimbursable by non-tribal users.''.

On page 13 of the amendment, beginning on line 2, strike ''Additional'' and all that follows through line 6.

Mr. FEINGOLD. Mr. President, I rise to offer an amendment to the substitute offered by my colleague from Colorado, Mr. CAMPBELL. I do so fully acknowledging that the Animas-La Plata project, as outlined by the Senator from Colorado's substitute amendment, has undergone a significant modification from its original configuration. What was a more than $750 million dam, reservoir, pumping plant, and associated pipelines and irrigation components, is now proposed to be a much smaller and less costly reservoir project to satisfy the Ute and Navajo claims and provide water delivery to the Navajo Reservation. The scaled-down project is now a $278 million project to build a reservoir and pipeline according to the administration's Record of Decision released on September 25, 2000.

The Senator from Colorado and I have shared an interest in settling the Utes' claims for many years. We agree that those claims must be settled and that construction of a reservoir is an acceptable way to achieve that goal. Moreover, he has worked to accomplish that objective. In passing his substitute, Congress will be seeking to downsize the project to effectuate a settlement that satisfies the tribes water needs at 100 percent Federal cost, which is appropriate. However, and I want to make this clear to colleagues, the sized-down project also provides a significant new water supply for non-tribal municipal and industrial use. The Senator from Colorado's substitute amendment guarantees that about 35 percent of the water held in the reservoir would be stored for use by non-tribal interests: 10,400 acre feet for the San Juan Water Commission; 2,600 acre feet for the Animas-La Plata Conservancy District; 5,230 acre feet for the State of Colorado; and 780 acre feet to the La Plata Conservancy District of New Mexico.

So this legislation is not solely an Indian water rights settlement. The Senator from Colorado and I differ in our opinions as to how the nontribal entities should be treated in this legislation, and that is why I am offering my amendment today. I want to make sure that the outcome Congress is ''seeking'' to implement through this legislation is one that it actually finds. I have three reasons for offering this amendment, which I will describe in a little bit of detail.

First, I remain concerned that the substitute only does half the job with respect to making sure that the taxpayers are off the hook for the original full-scale project. Those who support the construction of the Animas-La Plata project now want to proceed with an alternative which they believe to be a cheaper and scaled-down version of the original project. They want to do so, however, without expressly deauthorizing the original project. It appear to me that proponents won't give up the authorization for the original project because it provides them with the ultimate insurance. Should this alternative be infeasible, retaining the original authorization would allow a fallback position for proceeding with the old project. My amendment makes it absolutely clear that Congress is granting its approval only for the scaled-back year 2000 version of the project and not the original 1956 version of the project.

By deauthorizing all additional features of the old project, Congress would ensure that no such project features or components could be built without a demonstration by the project proponents that such features meet specific economic and engineering standards designed to protect the Federal Treasury, public safety and welfare. The Reclamation Project Act of 1939 requires engineering feasibility reports, cost estimates and economic analyses for a ''new project, new division of a project, or new supplemental works on a project * * *'' A project which is not authorized would be considered a ''new project, new division of a project, or new supplemental works on a project'' and be subject to the planning and reporting requirements. The substitute of the Senator from Colorado allows a future Congress to give its approval for a project or part of a project which has previously been authorized as part of the Animas-La Plata project as described in the Colorado River Storage Project Act of 1956.

So, what it comes down to without my amendment, it is not clear that the additional construction would be subject to any feasibility requirements. I think taxpayers have a right to know that information.

Moreover, newly authorized projects are also subject to the Economic and Environmental Principles and Guidelines for Water and Land Resources Implementation Studies—known as ''Principles and Guidelines''—promulgated pursuant to the Water Resources Planning Act of 1965. The Principles and Guidelines are the seminal policy statement requiring Bureau projects to integrate full economic cost recovery, financial and economic feasibility principles, and protection of the environment into planning for water resource projects. The Principles and Guidelines are the bridge between the old era of costly and economically ruinous Bureau projects and a new era of careful, resource protective planning. Many Members of this body fought hard to ensure these reforms would move forward. The old full-size Animas-La Plata project has not been analyzed under the Principles and Guidelines. One of the key criticisms of the old project has been the Bureau of Reclamation's failure to utilize the current discount rate, the cost of any electric power revenues produced by the project, and other economic variables in its studies. So if my amendment becomes law, any future features would be subject to the planning requirements of the Principles and Guidelines.

The second point of my amendment is that it requires that nontribal water users actually pay recreation and fish and wildlife costs. The nontribal project proponents have argued that because section 8 of the Colorado River Storage Project Act of 1956 makes recreational and fish and wildlife costs nonreimbursable for the projects it authorized, they should not have to repay such costs. ALP in its original, 1956, design, with no Indian water rights purposes or beneficiaries, was authorized by CRSP. I believe that the nontribal water users should pay these costs for a couple of reasons.

First, the administration's Final Supplemental Environmental Impact Statement for ALP takes the position that the version of the ALP project now being proposed for construction is so significantly different in size, features and purposes that the limitation in section 8 of CRSP does not apply. Page 5, Section 1.8 of that appendix states:

> A contemporary determination of reimbursable and non-reimbursable project costs is justifiable based on the significant re-defining of the current project's purpose and limitation of water use as well as current Administration policies.

Second, as the just-quoted language implies, the policy of the current administration, as well as the policy of preceding administrations throughout the 1980s and 1990s, has been to seek reimbursement of recreation and fish and wildlife mitigation costs of Federal water projects. There are numerous examples, such as the Garrison project, Central Utah Project, and the Central Valley Project Improvement Act. Many Members of this body worked hard to enact these reforms. In fact, obtaining reimbursement for recreation and fish and wildlife mitigation costs has been an element of Federal policy dating back to the Fish and Wildlife Coordination Act of 1946, Federal Water Project Recreation Acts of 1965 and 1974, and various Water Resource Development Acts, most notably WRDA 1986.

Obtaining reimbursement for fish and wildlife and recreation costs is far from unprecedented, and, in fact, is consistent both with contemporary policy and with the actual practice of recent years. We are authorizing a smaller project today, and that smaller project should be held to year 2000 reimbursement standards.

In addition to making clear the intent of Congress to require the repayment of fish and wildlife costs, my amendment further clarifies the amount of construction costs that the nontribal water users have to repay to the Federal Government. The substitute of the Senator from Colorado gives the nontribal water users the right to prepay for construction. At the end of the construction they are given the choice of electing whether to make a second payment to settle their account with the Federal Government. If they choose to enter into a new contract, under the terms of the substitute, they are required to only repay construction costs that are ''reasonable and unforeseen.'' I think that allowing a second bite at the apple by giving water users the option of not making the second payment is a big enough gift from the taxpayers. I have repeatedly opposed prepayment because I believe and feel that the taxpayers often get stuck for contract delays and cost overruns. I am concerned that the substitute opens the door to allowing the definition of ''reasonable and unforseen'' to be argued in court. My amendment makes it clear that, when the final tally is levied, even though that is a practice I find questionable, it should include all of the costs—all the costs—the Federal Government has incurred.

Third, and finally, I remain concerned that the findings in section 1(b) of the substitute may have the unintended effect of influencing a court's review of the sufficiency of agency compliance with Federal environmental laws applicable to the Animas-La Plata project. My amendment adds language to the bill to make sure that tampering with court review does not occur.

Colleagues may say, well, these are only findings in the bill. What effect could they possibly have on a court? I would ask my colleagues to first ask themselves what other purpose these findings could possible have in this bill that is not to have influence on a court.

Second, these finds are a compromise from the prior version of S. 2508, which included explicit determinations by Congress entitled ''compliance with the National Environmental Policy Act'' and ''compliance with the Endangered Species Act of 1973'' and which relied in part upon the findings. These sections have been deleted from the substitute, but the findings remain as determinations by Congress that could be used to attempt to influence judicial review of compliance with environmental laws.

For example, the finding in section 1(b)(5) states in effect that the passage of S. 2508 is ''in order to meet the requirements of the Endangered Species Act.'' The finding that Congress has reviewed all of the environmental studies—section 1(b)(8)—in combination with the finding that Congress has decided to enact S. 2508 to implement the Record of Decision that resulted from those environmental studies—section 1(b)(10)—would have the effect, I am afraid, of influencing a court's review of a challenge to the adequacy of the studies or the soundness of the decision contained in the Record of Decision.

Indications of Congress's substantive views about a proposed project, as expressed in the legislation authorizing the project, have been used by the federal courts in evaluating whether the project complies with applicable federal environmental laws. Because the findings in S. 2508 appear to be designed to influence judicial review, as explained above, and because the precise intent of the findings is open to interpretation, a reviewing court could ascribe little weight, extreme weight, or no weight at all to these findings during the course of ruling upon a citizen suit.

To neutralize this potential impact upon a reviewing court in a subsequent citizen challenge to environmental compliance, I propose to add language, so that section 2(a)(1)(B) will read:

> Nothing in this Act shall be construed to predetermine or otherwise affect the outcome of any analysis conducted by the Secretary or any other federal official under applicable laws, to restrict the availability or scope of judicial review, or to in any way affect the outcome of judicial review of any decision based on such analysis.

I believe overall that this amendment in all its parts will make this bill better. It commits the Federal Government solely to the construction of a reservoir and protects the taxpayer. It preserves the right of courts to review the project's environmental compliance and it ensures that the nontribal water recipients pay their fair share. So, Mr. President, I urge my colleagues to support this amendment.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. FEINGOLD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There are 8½ minutes.

Mr. FEINGOLD. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Pursuant to the unanimous consent agreement, I will, at the end of my statement, move to table Senator FEINGOLD's amendment. Also pursuant to that agreement, I request 10 minutes of the 30 that has been agreed to under the unanimous consent.

Each of the changes proposed by Senator FEINGOLD is either unnecessary or would have the opposite effect to what he intends. I will tell the Senator, who I consider a good friend, that I was in his State just last week with his very fine Governor, Tommy Thompson, traveling across the State doing several things. It was raining the whole time I was there. I rather marveled about how green and nice it was and how much water it had. I was somewhat envious coming from a State that has to store roughly 85 percent of its water needs a year. And as I looked around, I saw many roads and bridges and more than one or two lakes that I think had been paid for with the taxpayers' money in one form or another.

I would tell him that if he lived in a State such as mine or any of the Western States, as the Presiding Officer lives, he would understand how desperately we need water and how in a fast growing State it puts more and more strains and stresses on existing water.

I will talk about the Senator's amendment a little bit. Senator FEINGOLD's amendment proposes that we make existing Federal reclamation law inapplicable to non-Indian project beneficiaries. The Senator asks the Senate to amend S. 2508 to eliminate all references to the Colorado River Storage Project Act of 1956. I don't know the age of the Senator, but I have a hunch it was about the time he was born. I assume Senator FEINGOLD believes that his amendment will make the repayment obligations more fair. In fact, it would be completely unfair to require these individuals to bear a greater repayment burden than all the other projects constructed under the authority of the 1956 and 1968 act. It would, in fact, in my view, be somewhat discriminatory against non-Indians.

If the Senate makes any of the changes proposed by Senator FEINGOLD, we will be saying that existing Federal law should not control the repayment obligation of the non-Indian water users of the project. Other water users up and down the Colorado River—and there are many in our States, as the Presiding Officer knows—will have their repayment obligation set by existing Federal law, but those getting water from this part of the Colorado River system and at this late hour will be told that a new law controls their repayment obligation.

I have to ask my colleagues, why should these project users be singled out in this manner? The most unfair part of this amendment is that it would be part of an Indian water rights settlement act. These non-Indian people are only being treated differently because they agreed to accept the smaller project as part of their agreement with the Ute Indian tribes. As the chairman of the Indian Affairs Committee, I can't think of a worse precedent or message to send. In my view, we ought to be rewarding the non-Indian neighbors who have worked cooperatively with their Indian neighbors, not making them pay more money for their cooperation.

If any of the repayment provisions proposed by Senator FEINGOLD were to pass, I would have to advise my non-Indian constituents that it is actually in their best interest to break their agreement with the tribes, because the price they must pay for fulfilling their commitment to the tribes is to give up all the rights they already have under existing law. I am sure that isn't what the Senator intends, but that will be the result of the proposed amendment.

Senator FEINGOLD's proposed change concerning project deauthorization has the same effect. Under my bill, the only parts of the project that are to be constructed are the components that are explicitly included in S. 2508. Every other part of the project cannot be built unless and until they are authorized by Congress. That is the compromise on deauthorizing the project. The administration agrees with this compromise. It was even accepted in the House Resources Committee on a bipartisan vote.

This compromise is fair because it only becomes effective if the small part of the project is actually constructed. The Senator from Wisconsin asks the non-Indian project beneficiaries, including the State of Colorado, to accept project deauthorization now and accept the Government's promise that a smaller project will be built someday. I can tell you, with the history of promises made by the Federal Government to Indians, in fact to many people in the West, I am somewhat skeptical. I know the Republican Governor of the State of Colorado and the Democratic Attorney General also reject this idea. I ask the Senate to reject it as well. It is simply not fair.

Senator FEINGOLD also proposes a provision concerning judicial review. I assume this is intended to preserve judicial review. At best, however, this will have no effect because there is nothing in the bill that constricts judicial review. There is nothing to preserve. Since the provision has no obvious application, we should be concerned that a court will be encouraged to make some kind of a provision that doesn't exist now. Maybe a court will decide to interpret the provision as an invitation to ignore all the work Congress and the administration have done to analyze the project and its alternative. There is simply no reason to take that risk.

The administration has had its say in its record of decision. Congress will have its say by enacting S. 2508. There is nothing in the bill that prevents the court from doing what courts do or what they are supposed to do. They can have their say on whether the other two branches have followed the law. There is no reason to supplement or enhance the authority of the Federal courts with respect to this bill or the project.

The most unfair change suggested by the Senator is his desire to require nontribal recreation costs be made nonreimbursable. First, this is directly contrary to existing law. Ever since Congress enacted the Colorado River Storage Project Act in 1956, all recreation and fish and wildlife enhancement costs are nonreimbursable. Senator FEINGOLD proposes we do away with that part of the law. This would require water users in New Mexico to pay for recreation facilities or benefits in Colorado. Again, this provision would be included in an Indian water rights settlement. I think it is completely unfair to have New Mexico bear additional unwarranted expenses solely because they agreed to be part of this historic agreement.

I am sure the Senator from Wisconsin means well, but meaning well is not a test of whether we should amend S. 2508. Upon inspection, none of the proposed changes is necessary and most will be harmful. Each of them would wreck years of good faith negotiations among the parties. Also, they would mean breaking explicit promises made decades ago by the Federal Government.

For those reasons, I urge my colleagues to vote to table the proposed amendment, and I move to table the amendment and ask for the yeas and nays as outlined under the unanimous consent agreement.

The PRESIDING OFFICER. The motion to table is not in order until all time has been used or yielded back.

Mr. CAMPBELL. I will withhold.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair. As I understand, I have 8 minutes remaining.

The PRESIDING OFFICER. That is correct.

Mr. FEINGOLD. Mr. President, let me briefly respond to my colleague's remarks. Let me, first, indicate not only am I not insensitive to the needs of Colorado, my mother is a native of Colorado, who did not come to Wisconsin until she came to college. I have great affection for the State and certainly respect the water needs that are so central to the State and to Western States.

Let me respond to the specific points because I think we have worked together well to try to narrow our differences and to come up with this agreement in a way to try to have these matters discussed on the Senate floor in an expeditious way and to have

a vote and to have the matter go forward as appropriate.

The first point the Senator seemed to put his greatest emphasis on was whether or not the non-Native American users of the water should somehow be put in the same position of others who were the beneficiaries of the previous projects that were based in 1956. He suggested that somehow it would be discriminatory for these individuals and families to have to pay certain costs that the others did not have to pay in the past. I suppose that is one way to look at it, but I really look at it a different way.

I don't see the people who have benefited from some of these water projects in the past as really the relevant group. The relevant people now are those of us here today, both those who need the help of the water, the Native Americans and others, but also the taxpayers today. To not alter the repayment system for this is to ignore the reforms that have occurred since 1956.

There has been an effort and success in legislating a different way to handle this, to make sure that some of these expenses are reimbursed. I understand there may be those in this situation who may believe it is unfair that they are not put in the same position as those in the past, but I don't really understand how that is as important or relevant as making sure the taxpayers of today are not unfairly being discriminated against by having to pay more than they should for this project.

The Senator from Colorado even alluded in his initial remarks to the fact that he could at least understand the criticism of some of the past water projects. I think that same argument holds for some of the failure to reimburse on some of the past water projects.

This is not just my idea. I want to assure you that the OMB in this matter in their report on the Animas La-Plata project indicated this kind of reimbursement is entirely appropriate.

I will ask to have printed in the RECORD a statement of administration policy in support of my amendment. It reads in part:

> The administration understands that Senator FEINGOLD is proposing to offer a floor amendment to S. 2508. The amendment would provide additional safeguards concerning existing environmental laws, a more explicit deauthorization of unplanned project features, additional safeguarding of proposed taxpayer investment in this project, and would update the project's cost-sharing—

I emphasize ''cost sharing''—

> to reflect current Administration policy for fish and wildlife mitigation and recreation costs.

I ask unanimous consent that it be printed in the RECORD.

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

STATEMENT OF ADMINISTRATION POLICY

S. 2508—TO AMEND THE COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT OF 1988

The Administration supports S. 2508 as proposed to be modified by the manager's amendment. The bill, as amended, would accomplish the important goal of providing for a final settlement of the water rights claims of the Colorado Ute Indian Tribes that complies with our environmental laws by authorizing a scaled-down Animas-La Plata project in conjunction with a water acquisition fund.

The Administration had noted concerns with S. 2508, as introduced, because it: (1) contained objectionable language relating to compliance with the nation's environmental laws, (2) did not adequately eliminate the extensive number of Animas project features previously authorized but not currently contemplated, and (3) shifted the risk of unforeseen construction cost increases to federal taxpayers. The latest version of the bill as modified by the manager's amendment satisfactorily addresses these concerns.

In addition, the Administration understands that Senator Feingold is proposing to offer a floor amendment to S. 2508. The amendment would provide additional safeguards concerning existing environmental laws, a more explicit deauthorization of unplanned project features, additional safeguarding of the proposed taxpayer investment in this project, and would update the project's cost-sharing to reflect current Administration policy for fish and wildlife mitigation and recreation costs.

The Administration would support the Feingold amendment, which is consistent with the Administration's Animas proposal as outlined in the Interior Department's July 2000 Final Supplemental Environmental Impact Statement and subsequent Record of Decision. However, if the Feingold amendment does not pass, the Administration supports S. 2508 as modified by the manager's amendment.

Mr. FEINGOLD. Mr. President, I am not talking about something that is actually discriminatory. It is simply inconsistent with the law and the policy with regard to how these projects should be handled today to protect taxpayers—not in 1956.

Second, the Senator from Colorado talked about the fact that, yes, our bill does try to make sure that this project, since it has been scaled down—and I give the Senator credit for that—in fact, that is what we authorized. We don't leave the door open for sort of behind-the-scenes reauthorization of this.

He does point out clearly that in certain contexts it would be necessary to actually formally reauthorize the project for additional aspects of the project.

But my understanding is—and the reason we offered this is—if this current scaled-down project is not built, there would not be a requirement of a new authorization; that the situation would revert back without the need for more authorization for the much larger project. I believe it was something like $750 million.

It is not that the Senator is wrong about the fact that there are some situations where there might be the requirement for an authorization in the future. But if it isn't built—the Senator has alluded to the possibility it wouldn't happen—if, in fact, his central complaint is that it hasn't happened, and if it doesn't happen, we don't go back to an open process to figure out what this ought to be. It automatically gets reauthorized.

That is what troubles me. That is what I want to nail down. I want to make sure this project actually fits the size it needs to be and the people who need the help will get the help they deserve.

Finally, the Senator spoke about the third part of our amendment. In fact, in our amendment we want to make sure there is the opportunity for the full judicial review that is appropriate in situations such as this.

The Senator says the bill does nothing to undo the possibility of additional review. But I have raised the concern about some of the findings that are placed in the bill and why those findings would be there if they were not in some way to influence the court.

I accept his statement. That is not his intent.

All we are trying to do is have some language, which I read into the Record. It is very simple. It states clearly that the information and findings should not be used in a way that would preclude the court from using the current laws that apply to this situation.

That is all. It certainly does no harm to the Senator's position—unless, in fact, there is something in the bill that is intended to prevent the courts from having the full opportunity to review that they now are required to do under current law.

Mr. President, I reserve the remainder of my time.

Mr. CAMPBELL. Mr. President, I guess we could talk about everything, put it on spreadsheets, and talk about the dollars spent. But the Senator from Wisconsin mentioned something that I think is very important. He talked about the relevancy.

It seems to me that relevancy is part of the big picture and whether we ought to keep our promises. After 474 broken treaties by this Nation towards Indians, isn't it time we kept one?

We made a promise in 1935 to senior citizens called Social Security. If we can break our promise to one class of people in America, why can't we break it to another? Why can't we break our promise made to senior citizens? I will tell you why. We can't and won't because it is called stepping on a third rail called the AARP. Some thirty-million seniors belong to it—or more, for all I know—and they would absolutely come down the throat of everybody that is a Member of this body. So we don't fool around with them. We don't break our promises to people with high-powered lobbyists and full-time lawyers and lots of members that can write letters and oust us out of office.

Indians can't do that. There are not many of them. They don't have much money. They lost almost everything. So they have very little voice here. It is easy to take away the promise that we made to them. I think it is wrong. We talk about relevancy. This Nation ought to be greater than that, and keep our promises.

The statement of administration policy in the last paragraph basically says

they would support this bill with or without the Feingold amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I will be very brief. I respect the Senator's time, and I want to keep my promise.

I want to be absolutely clear in the Record. There is absolutely nothing in the amendment I am proposing that in any way breaks the promise to the Utes and others who will certainly benefit from this project. We are very careful about that.

But it talks about the size of the project. It is a project that the Senator from Colorado has agreed to as a scaled-down project. But surely he is not suggesting that he is breaking a promise to anybody with that proposal; therefore, neither am I by suggesting it be that size.

I just want to be sure that somehow we do not end up with a wholly larger project later on, which the Senator from Colorado has agreed to leave aside, and certainly make sure that various reimbursements become, under law, a standard practice in these kinds of situations. Certainly, that is not a breach of a promise.

This is the law of the land and the way we do these things at this point to protect our taxpayers. Surely, it is not a breach of a promise to suggest that there ought to be a chance for the kind of judicial review that should occur in situations such as this.

In fact, I would suggest to the Senator—because I think we work together well on this—that I promised months ago that my goal here was not to put a hold on the bill so it could never come up. All I said was I would like an opportunity to offer some amendment. We worked together. I agreed to a time limit, which is exactly what is happening here. The promise was kept in that regard as well.

I am trying to be constructive and improve this bill. And the administration agrees. Even though they agreed fundamentally with the legislation, they also agree that my amendment is not harmful, but is, in fact, beneficial in making the bill better in the context of keeping our promises.

I yield the remainder of my time.

Mr. CAMPBELL. Mr. President, I yield any remaining time. I move to table the Feingold amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Alabama.

ALABAMA'S DISTINGUISHED PRINCIPAL OF THE YEAR, TERRY BEASLEY

Mr. SESSIONS. Mr. President, this Capital and in the world too seldom do people of real achievement, people who have given of themselves sacrificially for others, receive proper recognition. As Leo Durocher once said, ''Nice guys finish last.'' But, today there is good news. I want to celebrate the fact that good things do happen to those who serve in America. Often, it takes time, often it comes only after long years of service, but our country still remains capable of recognizing excellence.

Today I want to describe for you the magnificent contributions to children, to teachers, to community and to the highest ideals of education and enrichment that have been made by Alabama's Distinguished Principal of the Year, Mr. Terry Beasley. The Greeks once said that the purpose of education is more than technical learning, it was to make a person ''good''. In those days, people apparently didn't have the difficulty distinguishing between good and the bad that we seem to have today. In addition to academic excellence, in abundance, Terry Beasley exemplifies ''the good.''

Although I did not know he was being considered for this award and had absolutely nothing to do with his selection, the name ''Mr. Beasley'' has always held the highest position in our family. You see, he taught our children at Mary B. Austin elementary School, a part of the public school system in Mobile County, AL, my home. He taught math and his name was mentioned with the greatest respect, even awe, by my children.

You could tell just the way they said ''Mr. Beasley'' and how often the name ''Mr. Beasley'' was repeated, that they knew he was special.

My wife, Mary, a former elementary school teacher herself, was a regular volunteer parent in the classroom at Mary B. Austin. She knew Mr. Beasley then and the fire reputation he had with teachers, principal, parents and students. People still talk about the famous school playday when Mr. Beasley would not only play ball with the children but would race the bases and slide into home. Our friends, also, with children in the school, frequently discussed his remarkable skill as a teacher and his dedication to teaching.

Before he became a teacher. Terry Beasley was a minister and youth director at a Mobile church. He considered that perhaps teaching could be a calling too, and decided to give it a try. In fact, the scripture lists ''teacher'' as a person who can be called. So he decided to give it a try. It was a divine inspiration, indeed. As he told me recently, it soon became clear to him that ''I had found my calling in teaching''. His first job was at Mary B. Austin. Certainly, his later skills as a principal benefitted from the fact that he was able to work under and observe the great leadership skills of Glenys Mason, who was principal at Austin at the time, and to work with excellent teachers.

Later, he moved across Mobile Bay to the Baldwin County school system and became principal at Fairhope Elementary School. They have 370 students and 36 teachers in the second and third grade school. Under Mr. Beasley's leadership the school has flourished.

Last year the school was recognized as having the best physical fitness program in Alabama, and was also recognized for its Kindness and Justice Program which teaches kindness and consideration to others with reference to the teachings of Dr. Martin Luther King.—We need to be intentional about these character programs. Finally, the school was also recognized as having the best elementary environmental science program in Alabama. In fact, the third graders drafted a statute which became Alabama law to name the Red Hill Salamander as the state amphibian. As a result of this work, and the efforts of the teachers, the student scores on the Stanford Achievement Test showed a significant increase.

Fairhope Elementary is a wonderful school with a diverse student population. 23 percent of the students are on free or reduced lunch and 18 percent are minority students. Mr. Beasley has created a learning environment that is dedicated to helping each child reach his/her fullest potential. He is in the classroom constantly, assisting teachers, training teachers, and insisting on excellence. His leadership is extraordinary. Being a good teacher has certainly helped him be a great principal.

As he told me, ''Math is my love, I don't claim to be an expert, but I love it. If we can't make math real then kids won't learn.'' These are not just words for Mr. Beasley. His intense interest in helping children led him to study how they learn. His experience caused him to write a paper on ''writing math''. Ohio State University wants to publish it. In this technique, Mr. Beasley encourages students to write out in their own words exactly the processes they are going through when they do their math calculations. From this experience, the student comes to understand what they do not know and the teacher is able to help them. It helps them to relieve their anxiety about math and makes them more comfortable with it. Mr. Beasley quotes John Updike as saying, ''Writing helps me clear up my fuzzy thoughts''. He adds, ''Write about math and it becomes clear.'' A principal is a valuable thing indeed, as is an exceptional teacher. This nation needs to venerate them, to lift them up and to celebrate their accomplishments. Hundreds of thousand of them strive daily to help each child learn too often with little recognition.

As Mr. Beasley notes, the scripture lists teaching as a ''calling.'' It is good for us to praise and give thanks to those who touched us with their work and those who daily work to prepare the next generation for service.

Terry Beasley is a great American with a powerful determination to fulfill his calling—to help make young people better and to help them learn. He is a native of Waynesboro, Mississippi, and his wife, Charlotte, also

an educator at Spanish Fort Middle School in Baldwin County, Alabama, is a native of Millry, AL. Together they represent the best in education in America.

I have been honored to know them. I am pleased and honored that Mr. Beasley has been able to teach my children. There are so many others like him. I have been in 20 different schools in Alabama this year and there are a lot of problems. Teachers have shared with me from their heart their frustrations. But we have some great teachers all over America and some great principals. Sometimes I think we don't realize how important a good principal is because without a good principal a school just can't reach its best.

In my visit to those 20 schools, they didn't ask for a bunch more Federal programs. We have 700 Federal programs right now. What they have told me, time and again, was that Federal regulations are micromanaging the work they have to do, requiring them to fill out much more paperwork than even their whole school system requires and, in fact, undermining their ability to maintain discipline in the classroom. I hear that time and time again. That is another matter.

I simply want to say again how much I appreciate the distinguished group that had the wisdom and insight to select Terry Beasley as the principal of the year because he is indeed special.

The PRESIDING OFFICER. The Senator from Wisconsin.

TRAFFIC STOPS STATISTICS STUDY ACT

Mr. FEINGOLD. Mr. President, I rise to speak for a few moments about the subject of race in America. I want to speak today about how sometimes it seems that whites and African-Americans are living in different Americas. And I want to speak about how we still need to do more to see that we become one America.

There is a movie playing now in the theaters called Remember the Titans. That movie depicts how there were two Americas, not that far from here, not that long ago. It depicts the great civil rights struggle of school integration, through the lens of a high school football team in 1971, at T.C. Williams High School, just across the river from here in Alexandria, Virginia.

The film stars Denzel Washington as Herman Boom, who became head football coach at all-white T.C. Williams High School, when it was just beginning to integrate. Although some in the white community in Alexandria did not welcome integration, in the film, Coach Boom steps into this tempest, and teaches the players and coaches to overcome racial prejudice. He teaches the players to respect each other and to work together as a team, regardless of the color of their skin. In the end, the team conquers racial barriers and goes on to win the state championship. Titans teaches us that we must be willing to confront our prejudices, so that we can build a better America, together.

Since 1971, we have made significant progress in public education. But we still have a long way to go. And we are still failing in other areas, like the treatment of African Americans and Latino Americans by law enforcement agencies. They have become the targets of racial profiling. It is time for us to confront our prejudices, to address racial profiling.

White Americans have not had similar experiences. We live in a different America. We won't be stopped on the side of the road, at the airport, or while walking through our neighborhoods, based on the color of our skin. We live in an America where we are free to move about. But African Americans, Latino Americans and Americans of other racial or ethnic groups do not live in this same America. They live in an America where they do not have freedom of movement. When it comes to the enforcement of our laws, they surely live in a completely different America.

Mr. President, racial profiling is a terrible practice. It's unfair, unjust and un-American. It should be thoroughly reviewed, so that we can determine how to end it.

Mr. President, racial profiling casts its net so far and wide that its victims include Americans regardless of their education, wealth, or status. Just last month, that net caught Bob Nash and his wife Janis Kearney, both very high-level officials at the White House. Montgomery County police in suburban Washington pulled over Mr. Nash and his wife, who are both African American. The officers drew their guns. The officers asked them to step out of their car. And the officers handcuffed them.

Why? Well, as far as I can see, the only thing that they were guilty of doing was ''Driving While Black.'' They were stopped, questioned and handcuffed for no apparent reason other than the color of their skin. This is an outrage for Mr. Nash, Ms. Kearney, and all Americans who live in a nation that guarantees liberty and justice for all.

At the end of last month, the San Diego police department released a study of traffic stops that found its officers are more likely to stop and search African and Hispanic Americans than whites and Asian Americans. And earlier this month, according to a story that appeared on the front page of the New York Times, a Federal investigation of the New York Police Department's Street Crime Unit determined that its officers engaged in racial profiling in recent years as they conducted their aggressive campaign of street searches in New York. More and more the evidence mounts.

African Americans and other minority Americans have been on the receiving end again and again, of this horrendous practice. It is intolerable. And it screams out for action by the Federal Government. The Senate should take the first step toward ending this terrible practice by passing S. 821, the Traffic Stops Statistics Study Act.

This bill was introduced in the House by Representative JOHN CONYERS and in the Senate by my distinguished colleague and friend from New Jersey, Senator LAUTENBERG. I commend them for their leadership on this issue, and I am proud to have been able to join them in this effort.

The Traffic Stops Statistics Study Act would require the Attorney General to conduct an initial analysis of existing data on racial profiling and then design a study to gather data from a nationwide sampling of jurisdictions. This is a reasonable bill. It simply requires the Attorney General to conduct a study. It doesn't tell police officers how to do their jobs. And it doesn't mandate data collection by police departments. The Attorney General's sampling study would be based on data collected from police departments that voluntarily agree to participate in the Justice Department study.

In fact, since our traffic stops study bill was introduced in April 1999, we have already seen significant, increased recognition in the law enforcement community of the need for and value of collecting traffic stops data. Over 100 law enforcement agencies nationwide—including state police agencies like the Michigan State Police—have now decided to collect data voluntarily. Eleven state legislatures have passed data collection bills in the last year or so. So this is tremendous progress from where we were when the bill was introduced. I applaud those states and law enforcement agencies that are collecting data on their own.

But more can be done. And more should be done. Indeed, the state and local efforts in this area underscore the need for Federal action. Not all states and law enforcement agencies have undertake data collection efforts. A Federal role is critical for Congress and the American people to understand the extent of problem nationwide. This effort can lay the groundwork for national solutions to end this horrendous practice.

Mr. President, I certainly believe this is not a Republican or Democratic issue. Governor George W. Bush supports data collection. During the second presidential debate, he said, ''we ought to do everything we can to end racial profiling.'' He also said, ''we need to find out where racial profiling occurs.'' His own Department of Public Safety in Texas has begun collecting data. And Vice President GORE, as well, has been a forceful leader on the issue. All Americans can agree that racial profiling is unfair and unjust and that we need to better understand the scope of the problem.

Our Nation has come a long way in the struggle to live up to its highest ideals of liberty, justice, and equality for all. Congress, historically, has

played a critical role in addressing racial discrimination, through legislation that grappled with civil rights issues like voting rights and employment discrimination. Americans are once again calling on the Congress to combat racial discrimination. With this legislation, we can take a step in the right direction, a step closer to becoming truly one America.

I urge my colleagues to support the Traffic Stops Statistics Study Act, and to back its enactment this session.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank Senator FEINGOLD for his concerns about civil liberties in America. It is important for us to give great attention to these issues. Police need to be constantly reminded of their responsibilities.

I was a prosecutor for nearly 18 years full time. I have dealt with police. I remember clearly the policies for years against racial profiling. The law is against that. One of the most famous cases was 25 or 30 years ago, when an immigration officer stopped some individual in a car and arrested him for being an illegal alien. When he asked why he stopped him, he said he had a ''psychic feeling'' that there was something wrong there.

The court said no. A psychic feeling is not good enough. A racial profile is not good enough. You have to have an articulable basis to make a stop.

But we do not want to suggest, in my view, that this is a routine thing in America. Police officers I know, and the Federal agents I know, are very sensitive about these issues. They have been trained about them. They know precisely what they have to do. It almost takes a law degree to know what to do, but they know precisely how and when they can make stops and when they cannot. I believe consistently they follow those rules.

I know Vice Presidential candidate Senator LIEBERMAN, in one of his debates, said that he knew someone who had been stopped, an African American, a Government employee. He described that he was offended by it. But the local police said, when they were asked about it—the local police said he was stopped because the car matched perfectly the description of a stolen car. When they stopped it, they did not even know whether the driver was white or black. They were just doing their job. It was not a racial profiling.

So we need not to go too far, suggesting this is too common. I do not believe it is. I think it may happen and it should not happen. It is against the law. It is not proper, and arrests and matters rising from it should not be justified.

I appreciate Senator FEINGOLD's interest in making sure the law is properly followed.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

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 allocation 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	$606,674,000,000	$597,098,000,000
Highways		26,920,000,000
Mass Transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	934,461,000,000	938,872,000,000
Adjustments:		
General purpose discretionary	+1,299,000,000	
Highways		
Mass transit		
Mandatory		
Total	1,299,000,000	
Revised Allocation:		
General purpose discretionary	607,973,000,000	597,098,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	935,760,000,000	938,872,000,000

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	$1,532,779,000,000	$1,495,819,000,000	$7,381,000,000
Adjustments: Emergencies	1,299,000,000		
Revised Allocation: Budget Resolution	1,534,078,000,000	1,495,819,000,000	7,381,000,000

NOMINATION OF MS. LOIS EPSTEIN TO BE A BOARD MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Mr. LAUTENBERG. Mr. President, the President of the United States today nominated Ms. Lois Epstein to be a Board Member of the Chemical Safety and Hazard Investigation Board.

Ms. Epstein is a licensed professional engineer with over 16 years of technical and regulatory experience involving toxic and hazardous chemicals, with a significant focus on accident and pollution prevention. She currently is a Senior Engineer with Environmental Defense. In that capacity, she has served on three federal advisory committees, two for the Environmental Protection Agency (EPA) and one for the Department of Transportation (DOT). She has also served as a consultant to the Science Advisory Board of EPA. Prior to coming to Environmental Defense, Ms. Epstein worked in the private sector and for the federal government in the EPA Region 9 office.

Ms. Epstein has demonstrated integrity, technical and analytical expertise, industrial plant knowledge, and a stong understanding of environmental laws and regulations. She has the ability to work with a diverse array of interests, and a commitment to resolving environmental and worker safety problems. These qualities, in combination with Ms. Epstein's expertise in engineering, petroleum refining, and her familiarity with the National Transportation Safety Board—the model for the Chemical Safety Board—make her a strong candidate.

Although she is being nominated without enough time remaining in the 106th Congress for confirmation, I hope that the next Administration and Congress will look favorably upon this qualified candidate.

DISTURBING DOD POLICY

Mr. SMITH of New Hampshire. Mr. President, I rise today to speak on a disturbing Department of Defense (DOD) policy that prohibits the adoption of retired military working dogs (MWD).

The bill that I am speaking in support of today, H.R. 5314, will amend the law to allow a handler to adopt a retired military working dog. This legislation was constructed with the guidance and input of all the parties involved. While the Senate version provides more flexibility for the DOD than I would prefer, in the future the Congress will have the opportunity to evaluate the DOD's work when they report back to Congress on their progress in facilitating military dog adoptions.

In discussions with the Managers, my understanding is that this change is only intended to protect the Department of Defense's flexibility to retain animals it determines to be unsuitable for release. In no way is this intended to allow the Defense Department to retain animals that are suitable for release and are no longer needed. I believe it is important to clarify this point, but with that understanding, I am pleased to support this legislation.

The DOD's policy callously discards these highly trained and devoted animals after completion of their service to their country after 8–10 years of age, even if their handlers wish to adopt them.

Under the current law there is no happy retirement for these loyal canines. After their body is no longer able to sustain the workload of their mission, the future becomes bleak for these dogs. In a best case scenario, the dogs are sent back to Lackland Air Force Base, their original training school, where they are used to instruct their human counterparts to become handlers.

After they have served this final duty, they are kenneled for an undertermined amount of time and then put down. In some instances, military working dogs are caged as long as a year until they meet their final outcome. If no kennel space is available, the less fortunate are terminated directly upon their arrival to Lackland.

Without the loyal service of Military Working Dogs and their devotion to their handlers, countless American soldiers would have died or become casualties of war.

These dogs have abilities that our most advanced technology cannot match, rendering them priceless to the men and women serving in our military.

Of the 10,000 men who served with K–9 units during the Vietnam War more than 265 were Killed in Action. Of the 4,000 dogs that served, 281 were ''Officially'' listed as ''Killed in Action,'' but only 190 were returned home at the end of the war.

More than 500 dogs died on the battlefields of Vietnam.

Military Working Dogs not only helped win battles and save lives, but had an enormous impact upon the mental well-being of those humans that surrounded them in the severest of battle conditions.

It is clear that the DOD's policy does not work in the best interests of the dog handlers and the dogs. There is a distinctly strong bond between dog handlers and their dogs, who work, live and play together on a daily basis.

I believe that the military's policy unnecessarily severs a bond that has taken years to cultivate which can easily be alleviated by allowing dog handlers or other qualified people to care for these highly intelligent dogs after they can no longer serve their country.

The 1949 Federal Property and Administrative Services Act, enacted after World War II, reclassified military working dogs as equipment. According to the military mentality, any piece of equipment no longer operable, becomes a hardship to the unit and must be disposed.

In 1997, the Federal Property and Administrative Services Act was amended. The law was altered to permit federal dog handlers, such as those in the Drug Enforcement Administration, to adopt their aging K–9 partners after their service in law enforcement was completed.

The DOD's K–9 partners were the only federal canine group not included in the modification. Are these worthy canines any less deserving of peacefully living out the remainder of their days than another federal working dogs? These dogs can be detrained of their aggressive responses and we have no reason to assume that they will not continue to obey their handlers.

The bill that I am speaking in support of today, H.R. 5315, will amend the law to allow a handler to adopt a retired military working dog. I believe that legislation was constructed with the best interest for all parties involved.

The decision to allow a handler to adopt their canine partner rests on the shoulders of those who know the dog best: the dog's last unit commander an the last unit veterinarian. Made on a case-by-case basis, the commander and veterinarian are obligated to give their consent before the adoption process can move forward.

Furthermore, H.R. 5314 provides an additional safeguard at the federal level. Upon receipt of the dog, the adopting handler waives all liability against the federal government.

H.R. 5314 will effectively accomplish two goals: it offers the DOD a solution to their dilemma of maintaining aging canines and lifts the restriction that prohibits the adoption of military working dogs. Former dog handlers, individuals with comparable experience, or law enforcement agencies will be able to provide a loving home for such deserving animals.

Through the passage of this legislation, not only will the military working dog be taken from a permanently caged status, but the dog will also be given the opportunity for a positive home environment. I know you will agree that after a lifetime of service, there can be no better reward for both handler and dog.

In closing, H.R. 5314 has been endorsed by the Humane Society of the United States, the American Veterinary Medical Association, the Society for Animal Protective Legislation, the Doris Day Animal Rights League, and The American Society for the prevention of Cruelty to Animals. This is a positive measure which is a win-win solution for dog, handler and the Department of Defense.

I ask unanimous consent to have printed in the RECORD a letter to Senator WARNER from William W. Putney, DVM. He was a C.O. of the War Dog Training School at Camp Lejeune, NC, was awarded the Silver Star for his bravery during his command of a ''war dog'' platoon in the 3rd Marine Division during World War II.

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

WOODLAND HILLS, CA,
October 18, 2000.

Senator JOHN WARNER,
Chairman, Committee on Armed Forces, Washington, DC.

DEAR SENATOR WARNER: I was born in Prince Edward County Virginia. Attended Virginia Tech (VPI then) then graduated from Auburn University in 1943. I immediately went into the Marine Corps and served throughout the war as a line officer in the war dog program and later as the Chief Veterinarian, USMC. Although I am not a constituent of yours, I have many relatives, living in Virginia, that are. I was the platoon leader of the 2nd and 3rd Marine War Dog Platoons that served with the 3rd Marine Division on Guadalcanal, Guam and Iwo Jima and the 2nd Marine Division on Saipan, Okinawa and Japan.

After the cessation of hostilities, I was C.O. of the War Dog Training School at Camp Lejeune, NC when we detrained and returned to civilian life our dogs that we used in WWII on places like Guadalcanal, Bougainville, Kuajalien, Enewetok, Guam, Pelelieu, Saipan, Okinawa and Japan. Our dogs saved a lot of Marines' lives including mine.

Of the 550 Marine war dogs that we had on duty at the end of the war, only four were destroyed due to our inability to detrain them sufficiently to be returned safely to civilian life. Never to my knowledge was there a recorded an instance where any one of those dogs ever attacked or bit anyone. It is not true that once a dog has had attack training, it can never be released safely into the civilian population. All of our dogs were attack trained.

I strongly support Senator Smith in his efforts to change present DoD policy that once a dog has received attack training, it will always be destroyed when he can no longer perform his military duties.

To use animals for our own use and then destroy them arbitrarily when they can no longer be of use to us is the worst kind of animal abuse.

WILLIAM W. PUTNEY, DVM,
Captain, USMC, WWII.

Mr. SMITH of New Hampshire. He offers his strong support for a change in the law that will allow the adoption of military working dogs. Former Marine Lt. Putney led a successful effort to build a cemetery and monument for the 25 dogs who died in the liberation of Guam in 1944, and I applaud his work to memorialize their contribution to preventing more loss of life during WWII. I also want to have printed for

the RECORD an article that provides some details of his military life and his accomplishments in recognizing the special canine contribution to our wartime successes.

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

[From the Los Angeles Times, Sept. 3, 1995]

MARINE, NOW 75, HONORED FOR HIS WARTIME COURAGE

(By Doyle McManus)

Marine Lt. William W. Putney was awarded the Silver Star for bravery on Saturday—at the age of 75, half a century after the end of his war.

Putney, a Woodland Hills veterinarian, commanded a ''war dog'' platoon in the 3rd Marine Division during World War II—a little-known specialty that used trained dogs both to guard American positions and sniff out enemy troops hidden in tunnels or caves.

On July 26, 1944, Putney's unit was defending 3rd Marine headquarters on Guam when the lieutenant, then 24, spotted a Japanese platoon heading toward the division hospital.

''Putney ordered the war dog handlers to tie their dogs to bushes and take up a firing line in the path of the enemy.'' His citation reads, ''An enemy machine gun emplacement savagely opened fire. . . . Disregarding his own safety, (Putney) unhesitatingly arose from his position of cover, and standing exposed to the hail of bullets aimed at him, began firing.

''He succeeded in silencing the machine gun and killing the two enemy machine gunners. Although wounded, he exhorted the platoon to press the attack, resulting in the killing of all enemy soldiers, including the Japanese officer leading the attack.''

Officials said Putney had been recommended for a decoration during the war but unaccountability did not receive one. His former commanding officer resubmitted the recommendation a few years ago, and Navy Secretary John H. Dalton approved it in time for Putney to formally receive the award at the Punchbowl military cemetery here as part of Saturday's commemoration of the end of World War II.

After the war, Putney served as chief veterinarian and commander of the U.S. Army War Dog Training School. He retired from the Marines and practiced as a veterinarian in Woodland Hills.

In recent years, he led a successful effort to build a cemetery and monument for the 25 Doberman pinschers and German shepherds who died in the liberation of Guam in 1944.

The memorial, which includes the names of the dogs and a life-size bronze statue of a Doberman, was dedicated in a military ceremony last year.

TESTING NORTH KOREA'S COMMITMENT TO PEACE

Mr. BIDEN. Mr. President, today I rise to discuss the momentous changes underway on the Korean Peninsula and to take note of the contributions of one extraordinary American public servant to the cause of peace there. Former Secretary of Defense Bill Perry stepped down this month as special adviser to the President on Korea policy, a role he assumed when our relations with North Korea were in crisis and when congressional faith in our approach to the Korean challenge was at a nadir.

It was a job no one coveted. North Korea ranks as one of the most difficult foreign policy challenges we face.

It was a job fraught with risk. Err too far towards confrontation, and you might send North Korea over the brink and start another war. Err too far towards conciliation, and your initiative might be mistaken for appeasement, emboldening the North and undermining political support at home.

Under Bill Perry's leadership, the U.S. launched a hard-headed initiative designed to test North Korea's willingness to abandon the path of confrontation in favor of the road to peace. From its inception, the Perry initiative was predicated on maintenance of a strong military deterrent. But Dr. Perry recognized that deterrence alone was not likely to lure North Korea out of its shell and reduce the threat of war.

The Perry initiative was designed and implemented in concert with our South Korean and Japanese allies, and it continues to enjoy their full support.

The results of this comprehensive and integrated engagement strategy have stunned even the most optimistic observers.

The year began with a mysterious and unprecedented visit by Kim Jong-il to the Chinese Embassy in Pyongyang. Over the course of a four-hour dinner, Kim made it plain that the year 2000 would see a shift in the North's approach to reviving its moribund economy and ending its diplomatic isolation.

In quick succession, Kim hosted Russian President Putin and then South Korean President Kim Dae-jung. The historic Korean summit meeting in Pyongyang was a tremendous victory for South Korean President Kim Dae-jung's ''Sunshine Policy'' and a validation of Perry's engagement strategy. It is fitting that President Kim Dae-jung was just awarded the Nobel Peace prize for his life-long efforts on behalf of peace and democracy on the Korean peninsula.

With the rapid emergence of Kim Jong-il from what he admitted was a ''hermit's'' existence in North Korea, the prospects for a lasting peace on the peninsula are better today than at any time since the Korean War began more than 50 years ago. Time will tell.

If fully implemented, the agreement reached in Pyongyang by President Kim Dae-jung and Kim Jong-il promises to reduce tensions in this former war zone and enhance economic, cultural, environmental, and humanitarian cooperation.

There are encouraging signs that the summit meeting was not a fluke:

Family reunification visits are proceeding, albeit at a pace that is slower than the families divided for 50 years desire or deserve.

Ground will be broken soon to restore rail connections across the DMZ, restoring trade and communication links severed for 50 years.

A follow-on meeting of the North and South Korean Defense Ministers in September led to an agreement to resume military contacts and to explore confidence building measures along the DMZ, including notification of exercises and creation of a North-South hot-line.

Planning is proceeding smoothly for next year's North-South summit meeting in Seoul.

There has also been progress in U.S.-North Korean relations. An historic meeting between President Clinton and senior North Korean military officer Cho Myong-nok occurred this month in Washington, setting the stage for next week's first ever visit to the North by an American Secretary of State.

Mr. President, this flurry of diplomatic activity has been dismissed by some critics as all form, and no substance. They marvel at our willingness—and that of our South Korean ally—to provide food aid to a despotic regime that continues to spend precious resources on weapons and military training rather than tractors and agricultural production.

No one condones the North Korean Government's callous disregard for the suffering of its own people. And obviously, much work remains to be done—especially in the security realm—to realize the hope generated by the summits. The North has not withdrawn any of its heavy artillery poised along the Demilitarized Zone.

It has not halted provocative military exercises. It has not yet ended all of its support for terrorist organizations.

And, although the North did reaffirm its moratorium on long-range missile testing this month in Washington, it has not stopped its development or export of long-range ballistic missile technology. North Korea's missile program continues to pose a serious threat not only to our allies South Korea and Japan, but also to other nations confronting the odious clients of North Korea's arms merchants.

All of these issues must be addressed if we are to forge a lasting peace on the Korean peninsula.

Our efforts to engage North Korea must ultimately be matched by reciprocal steps by the North. Engagement is not a one-way street.

But the question is not whether North Korea is a desirable partner for peace. Kim Jong-il has all the appeal of Saddam Hussein. The question is how we manage the North Korean threat.

I can't imagine how the situation would be improved if we did not offer North Korea a chance to choose peace over truculence. I can't imagine how the situation would be improved in any way if North Korean children were dying in droves from malnutrition and disease as they were prior to the launch of the U.S.-funded World Food Program relief efforts.

Mr. President, we should not discount the importance of the recent diplomatic developments on the peninsula. How soon we forget that it was a process called glasnost—openness—combined with maintenance of a strong NATO alliance, which ultimately brought about the demise of the Soviet

Union and the reunification of East and West Germany.

Information about the outside world is hard to come by in North Korea, just as it was hard to get in the Soviet Union before detente opened the window and let the Soviet people catch the scent of the fresh air of freedom.

Perhaps dialog with North Korea and greater openness there will bring about a similar result. If so, we will have Secretary Perry to thank for his role in getting that dialog jump-started after it had stalled amidst mutual suspicions and acrimony during the mid-1990s.

Mr. President, in closing I would like to extend my profound thanks to Bill Perry for the way he carried out his responsibilities. He answered the call to public service two years ago, trading the comfort of northern California for the landmine-strewn terrain of Washington and North Korea. He has conducted himself with honor and a strong sense of duty. He will be missed.

The stakes on the peninsula are high. Events there will not only shape the security environment of Northeast Asia, but also affect our decision whether to deploy a limited national missile defense, and if so, what kind of defense. From my perspective, it would be a great accomplishment if we could neutralize the North Korean missile threat through diplomacy rather than spend billions of dollars to construct a missile defense system which might do more harm to our national security than good.

I wish Secretary Albright and her new Korea policy adviser Wendy Sherman well as they strive to build on the momentum generated over the past few months. It is a tough job, but it is incumbent on us to test North Korea's commitment to peace.

DEMOCRACY DENIED IN BELARUS

Mr. CAMPBELL. Mr. President, I am pleased to join as an original cosponsor of this resolution introduced by my colleague from Illinois, Senator DURBIN, to address the continuing constitutional crisis in Belarus.

As Co-Chairman of the Helsinki Commission, during the 106th Congress I have worked on a bipartisan basis to promote the core values of democracy, human rights and the rule of law in Belarus in keeping with that country's commitments as a participating State in the Organization for Security and Cooperation in Europe (OSCE). Back in April the OSCE set four criteria for international observation of parliamentary elections held this past weekend: respect for human rights and an end to the climate of fear; opposition access to the state media; a democratic electoral code; and the granting of real power to the new parliament.

Regrettably, the Lukashenka regime responded with at best half-hearted measures aimed at giving the appearance of progress while keeping democracy in check. Instead of using the elections process to return Belarus to the path of democracy and end that country's self-isolation, Mr. Lukashenka tightened his grip on power launching an intensified campaign of harassment against the democratic opposition and fledgling independent media. Accordingly, a technical assessment team dispatched by the OSCE concluded that the elections ''fell short of meeting minimum commitments for free, fair, equal accountable, and transparent elections.'' The President of the Parliamentary Assembly of the OSCE confirmed the flawed nature of the campaign period.

We recently saw how Slobodan Milosevic was swept from power by a wave of popular discontent following years of repression. After his ouster, Belarus now has the dubious distinction of being the sole remaining dictatorship in Europe. Misguided steps toward recognition of the results of Belarus' flawed parliamentary elections would only serve to bolster Mr. Lukashenka in the lead up to presidential elections slated for next year.

This situation was addressed today in an editorial in the Washington Times. Mr. President, I ask unanimous consent that a copy of this editorial be printed in the RECORD following my remarks.

I commend Senator DURBIN for his leadership on this issue and will continue to work with my colleagues to support the people of Belarus in their quest to move beyond dictatorship to genuine democracy.

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

[From the Washington Times, Oct. 19, 2000]

BATTLE FOR BELARUS

In Belarus last weekend, the opposition leaders did not light their parliament on fire as their Yugoslavian counterparts had the week before. They did not crush the walls of the state media outlet with bulldozers or leave key sites in their capital in shambles. No, the people living under the last dictator of Europe met this weekend's parliamentary elections with silence. Opposition parties rallied the people to boycott, and what they didn't say at the polls, the international community said for them.

The U.S. State Department declared the results ''not free, fair, or transparent'' and replete with ''gross abuses'' by President Alexander Lukashenko's regime. The Organization for Security and Cooperation in Europe (OSCE), the Council of Europe, the European parliament and the European Union said the same. The dictator's allies got most of the 43 seats in districts where the winner received a majority of the vote. Where no candidate received a majority of the vote, run-offs will occur Oct. 26, another opportunity for the dictator to demonstrate his unique election methods. However, a record-low turnout in many towns, claimed as a victory by the opposition, will force new elections in three months.

What will it take for the people to push Mr. Lukashenko to follow Yugoslav leader Slobodan Milosevic into political oblivion in next year's presidential election? Nothing short of war, if one asks the international coordinator for Charter '97, Andrei Sannikov. ''I don't know how the country survives. [Approximately] 48.5 percent live below the poverty level,'' Mr. Sannikov told reporters and editors of The Washington Times. ''That increases to 60 percent in rural areas. It would provoke an extreme reaction anywhere else. Here, they won't act as long as there is no war''.

But the people of Belarus are getting restless. Out of the 50 percent of the people who don't know who they support, 90 percent are not satisfied with Mr. Lukashenko and with their lives in Belarus, Mr. Sannikov said. The dictator's behavior before last weekend's elections didn't help any. In his statement three days before the elections, Rep. Chris Smith, chairman of the OSCE, listed just a few reasons why the people should take to the streets: ''Since August 30, the Lukashenko regime has denied registration to many opposition candidates on highly questionable grounds, detained, fined or beaten over 100 individuals advocating a boycott of the elections, burglarized the headquarters of an opposition party, and confiscated 100,000 copies of an independent newspaper.''

Mr. Sannikov, a former deputy foreign minister, was himself a victim last year when he was beaten unconscious, and three ribs and his nose were broken, in what he said was a government-planned attack. He and the rest of the opposition don't want to be victims in next year's elections. If the opposition can rally behind one formidable leader, war won't have to precede change—nor will Mr. Lukashenko once again make democracy a fatality.

CONTINUING PROBLEMS FOR FEDERAL LAW ENFORCEMENT DUE TO THE McDADE LAW

Mr. LEAHY. Mr. President, I have spoken several times this year about the so-called McDade law, which was slipped into the omnibus appropriations bill at the end of the last Congress, without the benefit of any hearings or debate in the Senate. I have described the devastating effects that this ill-considered law is having on Federal law enforcement efforts across the country. Recent articles in the Washington Post, the Washington Times and U.S. News & World Report also describe how the McDade law has impeded Federal criminal investigations.

For over a year, I have been proposing legislation to address the problems caused by the McDade law. My corrective legislation would preserve the traditional role of the State courts in regulating the conduct of attorneys licensed to practice before them, while ensuring that Federal prosecutors and law enforcement agents will be able to use traditional Federal investigative techniques. Although the bill does not go as far as the Justice Department would like—it does not establish a Federal code of ethics for government attorneys, nor does it authorize the Justice Department to write its own ethics rules—nevertheless, the Justice Department has supported the bill as a reasonable, measured alternative to the McDade law.

Congress's failure to act on this or any other corrective legislation this year means more confusion and uncertainty, more stalled investigations, and less effective enforcement of the Federal criminal laws. I regret that we

have not made more progress, and hope that we can work together in the next Congress, on a bipartisan and bicameral basis, to resolve the situation.

I ask unanimous consent that these articles be included in the RECORD.

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

[From the Washington Post, Oct. 19, 2000]

REPEAL THE MCDADE LAW

Two years ago, Congress approved a seemingly innocuous requirement that federal prosecutors observe the ethical standards of the state bars that gave them their law licenses. Members probably didn't think that, in supporting the proposal, they would be harming important federal investigations. They thought rather to stand against prosecutorial excess and show support for retiring Rep. Joseph McDade, who had once been prosecuted unsuccessfully by the Justice Department. Yet even as Congress was moving ahead with the bill, many people—including in the Justice Department and on the Senate Judiciary Committee—warned of unintended consequences. Now the warnings are coming true. The so-called McDade law has compromised Justice Department investigations on matters ranging from airline safety to child pornography.

State bar rules are generally not written with investigative concerns in mind—and are sometimes written to hamper prosecutors. Lawyers, for example, are generally forbidden from contacting directly people whom they know to be represented by counsel. The rule makes sense as a general matter, but figuring out how it should apply to investigative work is exceptionally difficult. A prosecutor investigating a corporation who wants to talk with company employees could be read to violate this ethical stricture if the corporation's lawyers are not present. Such a rule would make federal investigations of corporations dependent on the corporation's consent. According to a Justice Department report, this precise issue hampered an investigation of an airline—which press reports identify as Alaska Airlines—for allegedly falsifying maintenance reports. Unable to have agents interview key witnesses, the department had to bring them before a grand jury—a process that involved lengthy delays. ''When the witnesses finally appeared before the grand jury, they had trouble remembering anything significant to the investigation,'' the report notes. ''After about a year of investigation, one of the airline's planes crashed.''

In Oregon, the U.S. Attorney's Office recently notified the FBI that it would not participate further in an undercover program that targets child pornography. The Oregon Supreme Court has interpreted state ethics rule to prohibit dishonesty or deceit in investigations—with no exception for law enforcement. That makes undercover work of any kind the stuff of potential bar discipline for lawyers who get involved. In a letter to the FBI field office, Portland's U.S. attorney announced that, under the rule, ''the attorneys in our Criminal Division cannot approve or authorize any undercover operations or consensual monitoring'' at all. Such an outcome has nothing to do with prosecutorial ethics but will harm law enforcement.

The McDade problem needs to be fixed, and Sen. Patrick Leahy is pushing a bill that would do that. Federal prosecutions and investigations cannot be held hostage to whatever rules 50 state bars choose to pass.

[From the Washington Times, Oct. 10, 2000]

FEDERAL PROSECUTORS HOSTAGE TO STATE CODES

(By Bruce Fein)

If you think United States Secret Service protection of the president should be held hostage to state law, then you should love the 1-year-old ''McDade'' statute. Ditto if you think FBI attempts to thwart or investigate presidential assassinations or corruption of Members of Congress also should be held hostage. But you might think the McDade law reflects federalism run riot, and thus champion its overhaul, like Sen. Patrick J. Leahy, Vermont Democrat, and Sen. Orrin G. Hatch, Utah Republican and chairman of the Senate Judiciary Committee.

Without hearings, the law was tucked into an appropriations bill in a fit of congressional disenchantment with aggressive investigative tactics symbolized (rightly or wrongly) by Independent Counsel Kenneth Starr. It subjects all federal government attorneys in conducting federal criminal or civil investigations to state professional disciplinary rules in the state in which they operate. On its face, the McDade law seems unalarming. Why shouldn't federal attorneys conform to the same ethical standards required of their professional colleagues whether in private practice of state government?

The answer is that the parochial perspectives of states may discount or overlook broader and compelling federal law enforcement interests. The state of Oregon sports a typical disciplinary rule prohibiting attorney dishonesty, deceit or misrepresentation. It has been interpreted to prohibit federal prosecutors from either authorizing or supervising undercover operations of the FBI or consensual monitoring of conversations by informants. Under the McDade law, for instance, suppose the United States Attorney in Oregon and the FBI suspect an attempted assassination of President Clinton during a fund-raising visit to Portland by extremists. A plan is devised to infiltrate an informant into the suspected circle of conspirators with an electronic recording device to forestall the villainy. it would be frustrated by Oregon's disciplinary code coupled with the McDade law.

Federal terrorism investigations or prosecutions are likewise jeopardized in Oregon. Suppose a terrorist suspect pleads guilty to a federal conspiracy offense and agrees to cooperate in the apprehension and trial of co-conspirators in exchange for a lenient sentence. The United States Attorney contemplates the terrorist-informant's use of an electronic recording or transmitting device to prove the guilt of the conspirators from their own words. The U.S. Supreme Court held in United States vs. White (1971) that such investigatory deceit is no affront to the Constitution, and added: ''An electronic recording will many times produce a more reliable rendition of what a defendant has said than will the unaided memory of a police agent. It may also be that with the recording in existence it is less likely that the informant will change his mind, less chance that threat or injury will suppress unfavorable evidence, and less chance that cross-examination will confound the testimony.''

Under the McDade law in Oregon, however, the United States Attorney would be required to forgo his impeccable plan for electronic monitoring to ensnare a nest of terrorists.

Its mischief is not confined to these troublesome hypotheticals, but handcuffs the investigation of every federal crime and has thrown a spanner in real cases. The FBI initiated an ''Innocent Images'' investigation in Portland spurred the burgeoning problem of child pornography and exploitation in Oregon. The United States Attorney shut down the operation because fearful that the involvement of undercover agents and the monitoring of telephone calls with the consent of but one party could be deemed deceitful by the State Bar.

During a recent Oregon drug trafficking investigation, the FBI located a cooperating witness willing to use an electronic monitoring device to record the conversations of drug trafficking suspects. The United States Attorney nixed the idea because of the McDade law.

In 1980, the FBI's Abscam investigation employed undercover agents to implicate six House members and one senator in corruption. One videotape captured Rep. John W. Jenrette Jr., South Carolina Democrat, confessing to an agent, ''I've got larceny in my blood.'' Abscam would have been problematic if the McDade law had then been in effect.

A recurring impediment in all states are codes that prohibit federal attorneys and their agents from contacting and interviewing corporate employees without the consent and presence of corporate counsel. In California, the FBI's investigation of Alaska Airlines maintenance records through separate interviews of employees was thwarted by a company attorney's claiming to represent all. After a Jan. 31, 2000, crash of an Alaska Airlines jet killing everyone on board, FBI agents were blocked from questioning ground mechanics for the same reason. Sen. Leahy, a former seasoned prosecutor, lamented: ''[T]hose interviews that are most successful simultaneous interviews of numerous employees could not be conducted simply because fear that a [state] ethical rule . . . might result in proceedings against the prosecutor.''

The Supremacy Clause of Article VI of the Constitution that when legitimate federal interests are at stake, state law should bow. It was underscored by the Supreme Court's ruling in In re Neagle (1890), which denied California authority to prosecute a federal deputy marshal for killing an attacker in the course of defending Supreme Court Justice Stephen J. Field.

An ethics code to ensure that federal government attorneys turn square corners is admittedly necessary. But shouldn't it be drafted by federal authorities sensitive to federal needs rather than consigned to the whims of 50 different states?

[From U.S. News & World Report, Oct. 16, 2000]

FEDERALLY SPEAKING, A FINE KETTLE OF FISH

(By Chitra Ragavan)

Two Octobers ago, Congress passed a funny little law. It was named after its sponsor, Pennsylvania Republican Joseph McDade, but for the congressman, there was nothing funny about it. The Justice Department had spent eight years investigating McDade on racketeering charges. He was finally acquitted by a jury in 1996, but by then McDade's health and spirits were broken. The McDade bill was his payback to Justice. It simply requires federal prosecutors to comply with state ethics laws.

No big deal? Not quite. In August, the Oregon Supreme Court forbade all lawyers in the state to lie, or encourage others to lie, cheat, or misrepresent themselves. Under McDade, the ruling now applies to Oregon's federal prosecutors. ''We've handcuffed the agents,'' says senior FBI official David Knowlton, ''not the criminals.'' The U.S. attorney for the Oregon district, Kristine Olson, has informed the FBI and other federal investigative agencies that she cannot

OK agents or informants to assume false identities, wear body wires, or engage in undercover activities. ''In effect,'' says David Szady, special agent in charge of the FBI's Portland office, ''we now have to go to a drug dealer and say, 'FBI! Would you sell us some drugs, please?' '' The FBI, Szady says, has had to suspend 50 investigations, including probes of Internet child pornographers, A Russian organized-crime group, and a massive check-fraud ring.

Federal prosecutors despise the McDade law. David Margolis, a senior Justice Department official and a veteran organized-crime prosecutor, says McDade has had a major chilling effect. ''Even I wouldn't go out on a limb,'' he says. Justice officials are trying to gut the law before Congress goes out of session this week. The department warned lawmakers in 1998 that prosecutors would be lost in a morass of quirky state ethics laws—especially during complicated multistate investigations. But defense lawyers won the day. ''Why should prosecutors be exempt from rules that apply to all other lawyers in that state?'' says Mark Holscher, lawyer for former Los Alamos scientist Wen Ho Lee. So far, no court has dismissed a case or excluded evidence on the basis of McDade. ''These are crocodile tears,'' says veteran defense lawyer Irv Nathan.

Major headache. The biggest headache for prosecutors is the American Bar Association's controversial Model Rule 4.2, adopted by many states. It prohibits prosecutors from contacting people represented by lawyers without first talking to the attorneys. Remember when Kenneth Starr's prosecutors ignored Monica Lewinsky's tearful entreaties to call her lawyer? They got away with it because, since 1989, Justice had defied Rule 4.2.

No more. Prosecutors now say adhering to 4.2 has hurt white-collar probes, where securing the cooperation of informers in often vital. In an investigation of Alaska Airlines last year, company lawyers barred federal agents from questioning employees. Sen. Patrick Leahy of Vermont says, ''The pendulum has swung too far in the other direction.'' But House Judiciary Committee Chairman Henry Hyde of Illinois says he's not inclined to repeal McDade. ''That doesn't mean I'm for crooks,'' Hyde says. ''I'm for ethical behavior both by law enforcement and by defense counsel.'' Watching the fight from the sidelines in Joe McDade, now 69. ''I didn't read about it. I lived it,'' he says, of prosecutorial zealotry. ''The effort is not justice. The effort is to break a citizen.''

STUDENT PLEDGE AGAINST GUN VIOLENCE

Mr. LEVIN. Mr. President, on Tuesday, thousands of young people observed the Fifth Annual Day of National Concern About Young People and Gun Violence. Students across the country who participated in the day's activities were given the chance to make a strong statement renouncing the violent use of guns by signing a voluntary pledge.

In my own State of Michigan, high school senior Vince Villegas of Lansing worked to ensure that the anti-gun violence pledges were distributed to students in his own school district. Vince is the co-founder and current president of Students Against Firearm Endangerment, SAFE, USA, an organization whose mission is to reduce the number of gun casualties by increasing gun education in America's schools. With help from students like Vince, more than one million young people have signed the Student Pledge Against Gun Violence during this year alone.

Here is what that pledge says: ''I will never bring a gun to school; I will never use a gun to settle a dispute; I will use my influence with my friends to keep them from using guns to settle disputes. My individual choices and actions, when multiplied by those of young people throughout the country, will make a difference. Together, by honoring this pledge, we can reverse the violence and grow up in safety.''

Vince and students like him around the country have pledged to do what they can to reduce the toll of gun violence in their lives. Now it's up to Congress to learn from our young people and pledge to combat the gun violence that plagues the Nation's schools and communities.

VICTIMS OF GUN VIOLENCE

Ms. MIKULSKI. 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 the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

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

October 19, 1999:

Jerry G. Bowens, 25, Memphis, TN;
Nathaniel Bryan, 20, Washington, DC;
Wayne Butts, 43, Atlanta, GA;
Arnold Handy, 19, Baltimore, MD;
Paul Johnson, 31, New Orleans, LA;
Russell Manning, 52, Dallas, TX;
Rebecca Rando, 25, Houston, TX;
Mark Smith, 31, Dallas, TX;
Kirk Tucker, 32, Chicago, IL;
Jermaine Wallace, 22, Baltimore, MD; and
George Williams, 19, Pittsburgh, PA.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

VOICE OF AMERICA EDITORIAL

Mr. BIDEN. Mr. President, on October 18 the Voice of America broadcast an editorial entitled ''Terrorism Will Fail,'' strongly condemning the terrorist bomb attack on the U.S.S. *Cole* in Aden harbor, which took the lives of 17 U.S. sailors. The editorial concluded: ''U.S. policy remains unchanged. The U.S. will make no concessions to terrorists. The U.S. will bring to justice those who attack its citizens and interests. The U.S. will hold state sponsors of terrorism fully accountable.''

This is unambiguous language, which reflects not only United States government policy but also the feelings of all Americans. Unfortunately, however, the bureaucratic road from writing, to approval, to broadcasting this editorial was anything but unambiguous. In fact, it revealed both initial bad judgment by the State Department, and the need for better vetting procedures of VOA editorials by the appropriate authorities.

VOA editorials are statements of American policy, so they are rightly cleared by the State Department for consistency with official U.S. Government policy. Regrettably, in this case the State Department initially vetoed the editorial's language. The reason for stopping the editorial was totally unjustified. It was dead wrong to stop the editorial because of fighting and casualties that were occurring elsewhere in the Middle East. American service men and women were tragically killed in this terrorist attack and a clear statement by Voice of America condemning the action should have gone out immediately.

Subsequently, the State Department fortunately disavowed the earlier veto of the editorial memo, saying that the initial veto memorandum ''in no way reflects the views of the Secretary of State, the Department or the Bureau of Near Eastern Affairs.'' Moreover, it stated that the initial veto memorandum had not been vetted or approved through appropriate channels.

It is inconceivable to me how anyone could advocate deleting an editorial condemning the cruel, cowardly, terrorist murder of American service men and women.

I hope and trust this occurred because of the understandable stress officials at the Department of State were under due to the tragic deaths from this dastardly act of terrorism in Yemen occurring at the same time the crises in the Middle East was also absorbing the attention of the Department.

Fortunately, as I mentioned earlier, the Voice of America did broadcast the editorial in its entirety.

AGRICULTURE APPROPRIATIONS BILL

Mr. BINGAMAN. Mr President, I rise today to clarify my position on the vote we are about to take on the Agriculture Appropriations bill. I voted for the bill because it contains funding for a broad range of programs that are very important to farmers in New Mexico and the rest of the United States. But that said, I would like to express my opposition and disappointment at this time to the way this bill frames our national policy toward Cuba.

First, let me say that this bill is remarkable in that it represents a dramatic step forward in how the United States deals with restrictions on sales

of food and medicine to designated terrorist states. After considerable debate among my colleagues on this issue, relative consensus has been attained that suggests that unilateral sanctions against countries like North Korea, Sudan, Iran, and Libya are not effective, and that any future economic policy in this regard must include the multi-lateral cooperation of other like-minded governments. Even more importantly, many of my colleagues have come to the conclusion that official sanctions on food and medicine is an inappropriate way to achieve our foreign policy goals. The logic here is straightforward: not only do these sanctions hurt those individuals most in need in these countries—the innocent civilians who are being oppressed by oftentimes ruthless regimes—but they also hurt American businesses that would directly gain from such exports. American farmers in particular suffer under these constraints, and I am convinced those constraints should be removed immediately.

I should emphasize here that the elimination of sanctions does not imply that we as a deliberative body agree with the policy pronouncements or activities of terrorist countries. Quite the contrary, they are reprehensible and, as such, we will continue to register our opposition to them at every opportunity. But as a practical matter the elimination of the sanctions does suggest that we finally recognize that we cannot effectively punish dictators or despots through their own people. Perhaps more significantly in this regard, the United States should not be placed in the difficult position of defending such policies as, in my view, they run against some of our most basic values and traditions.

It is for this reason that the Agricultural Appropriations bill as it relates to Cuba is seriously flawed. What we have done in this bill is permitted the sale of food and medicine to most of these countries and, moreover, authorized U.S. public and private financing that would allow this to occur. But we have refused to apply these exact same provisions to Cuba. In the case of Cuba, we have permitted the sale of food and medicine, but we have prohibited U.S. financial institutions from assisting in this process. Of course, Cuba can still purchase food or medicine from the United States, but it must do so with its own capital, or with assistance from third-party financial institutions. In short, Cuba must somehow convince a foreign bank to lend it money to purchase food or medicine, an obvious liability given its current situation. Clearly this limitation placed on Cuba defeats the basic rationale underlying the bill, and makes the exercise of sanctions reform almost entirely symbolic in nature. The bottom line is that our farmers will gain little or nothing in terms of increased sales to Cuba, and that is just plain wrong.

This bill is also flawed in that it further restricts travel to Cuba, this after several years of moving forward in areas related to increased scientific, academic, social, and cultural exchange. I find this to be an ill-advised provision in that it runs counter to everything we have experienced in Eastern Europe, East Asia, and Latin America in terms of the dynamics of freedom and democratization. For a number of years now I have supported the right of Americans to travel to Cuba, and I continue to do so at this time. I have also suggested that we allow non-governmental organizations to operate in Cuba and to provide information and emergency relief when needed. Furthermore, I believe that Cuban-Americans with relatives still in Cuba should be permitted to visit Cuba to tend to family emergencies.

Let me state clearly that I personally deplore the Castro regime and its heavy-handed tactics toward its people. The lack of freedom and opportunity in that country stands in direct contrast to the United States, as well as most countries in the Western Hemisphere. Cuba now stands alone in the West in its inability to allow the growth of democracy and the protection of individual rights.

In my view, Cuba is ripe for change, and the best way to achieve positive change is to allow Americans to communicate and associate with the Cuban people on an intensive and ongoing basis, to re-establish cultural activities, and to rebuild economic relations. To allow the Cuban system to remain closed does little to assert United States influence over policy in that country and it does absolutely nothing in terms of creating the foundation for much-needed political economic transformation. The spread of democracy comes from interaction, not isolation.

So for all the positive attributes contained within this bill, I see the provisions as they relate to Cuba to represent a serious step backward that will ultimately harm, not help, the U.S. national interest. This is an anachronistic policy that does no one any good. It is my hope that what some of my colleagues are saying today on the floor is true, that this is merely an initial compromise that lays the foundation for more significant change through legislation in the future. If this is correct, I look forward to working with them to ensure that more constructive policy is indeed enacted. I am convinced it is long overdue.

THE INNOCENCE PROTECTION ACT

Mr. LEAHY. Mr. President, I have come to the floor several times this year to focus attention on the national crisis in the administration of the death penalty. I rise today, in what I hope are the closing days of the 106th Congress, to report on how far we have come on this issue in Congress and across the country, and to discuss the important work that is yet to be done.

In recent years, many grave flaws in the capital punishment system nationwide have come to light. Time and again, across the nation, we have heard about racial disparities, incompetent counsel who make a mockery of our adversarial process, testimony and scientific evidence that is hidden from the court, and the ultimate injustice, the conviction and sentencing to death of innocent people.

In the last quarter century, some 88 people have been released from death row, not on technicalities, but because they were innocent. Those people were the ''lucky'' ones; we simply do not know how many innocent people remain on death row, and how many have been executed.

Earlier this year, after it came to light that his State had sent more innocent people to death row than it had executed guilty people, Governor Ryan announced a moratorium on executions in Illinois and launched a systematic inquiry into the crisis and to consider possible reforms.

At around the same time, along with colleagues from both sides of the aisle, from the Senate and from the House, I introduced the Innocence Protection Act as a first step to stimulate a national debate and inquiry and begin work on national reforms on what is a nationwide problem.

Almost a year later, our informal national public inquiry has yielded a wealth of evidence. The American people have reached some compelling findings. And our reform effort has gained the endorsement, and—more important—the wisdom and insight, of Republicans and Democrats, of judges, law enforcers and defense attorneys, and of scholars and ordinary people who have experienced the system first hand.

The evidence has shown that the system is broken, and the American people are demanding that it be fixed or scrapped. We have meaningful, carefully considered reforms ready to be put into place. It is now time for Congress to act.

Let me first review just a few highlights of the evidence that has mounted since we first introduced the bill.

On June 12, Professor James Liebman of the Columbia Law School released the most comprehensive statistical study ever undertaken of modern American capital appeals. This rigorous study, which was nine years in the making, revealed a death penalty system fraught with error reaching crisis proportions. It revealed a system that routinely makes grave errors, and then hopes haphazardly and belatedly to correct them years later by a mixture of state court review, federal court review and a large dose of luck.

During the 23-year study period, courts across the country threw out nearly seven out of every ten capital sentences because of serious errors that undermined the reliability of the outcome. The single most common error, the study showed, was egregiously incompetent defense lawyering.

Before the Columbia study came out, there was speculation that the problems in the administration of the death penalty were confined to a few atypical States with lax procedures. That is clearly not the case. The study documented high error rates across the country, in nearly every death penalty State. It left no room for doubt: This is not a local problem, this is a national problem, and it requires a national response.

Shortly after the Columbia study issued, the Senate and House Judiciary Committees held hearings to consider some of the issues raised by the Innocence Protection Act. I had hoped that these hearings would be the first in a series of hearings that would help focus the Congress' attention on steps we can take to help restore public confidence in our death penalty system.

The Committees heard from judges, prosecutors, and defense attorneys about when and how post-conviction DNA testing should be required by law, and about the overwhelming importance of providing the accused with qualified and adequately funded defense counsel.

We also heard from two men who between them spent over 20 years in prison for crimes they did not commit before being cleared by DNA evidence and freed. One of these men, Dennis Fritz, was represented at trial by a civil liability lawyer who had never handled any type of criminal case, much less a capital murder case. When Mr. Fritz finally got access to the crime scene evidence for DNA testing, the results not only cleared him, they also cleared his codefendant, who had come within five days of being executed. The tests also established the identity of the real killer.

Now, hardly a month goes by that we do not hear about more wrongfully convicted people who owe their freedom to DNA testing.

Most recently, on October 2, 2000, the Governor of Virginia finally pardoned Earl Washington, after new DNA tests confirmed what earlier DNA tests had shown: He was the wrong guy. Earl Washington's case only goes to show that we cannot sit back and assume that prosecutors and courts will do the right thing when it comes to DNA. It took Earl Washington years to convince prosecutors to do the very simple tests that would prove his innocence, and more time still to win a pardon. And he is still in prison today.

Several other recent reports have provided additional evidence of a system in crisis. The Justice Department released a report in September concerning the administration of the Federal death penalty. The report revealed dramatic racial and geographic disparities in the Federal death penalty system. Of the 682 cases submitted to the Justice Department in the last five years for approval to seek the death penalty, 80 percent involved defendants who were black, Hispanic, or another racial minority, and five jurisdictions accounted for about 40 percent of the submissions.

Also in September, the Charlotte Observer published a study of capital cases in the Carolinas, which found that those who are on trial for their lives are often represented by the legal profession's worst attorneys. The high stress and low pay of capital trials limits the pool of lawyers willing to take them on. Some lawyers abuse drugs and alcohol, some fail to investigate evidence that could clear their client. Judges in the Carolinas have overturned at least 15 death verdicts because of serious errors made by defense lawyers, and another 16 death row inmates were represented at trial by lawyers who were later disbarred or disciplined for unethical conduct.

Much has been written about the appalling state of affairs in the State of Texas. The Dallas Morning News reported on September 10 that more than 100 prisoners awaiting execution in Texas as of May 1—about one in four convicts on Texas's death row—has been defended by court-appointed lawyers who have been reprimanded, placed on probation, suspended, or banned from practicing law by the State Bar of Texas.

The infractions that triggered the extraordinary step of bar discipline included failing to appear in court, falsifying documents, failing to present key witnesses, and allowing clients to lie. In about half of these instances, the misconduct occurred before the attorney was appointed to handle the capital case.

Just this week, a comprehensive new report by the Texas Defender Service described that State's death penalty system as thoroughly flawed and in dire need of change because of problems like racial bias, prosecutorial misconduct and incompetent defense counsel. The report, which reviews hundreds of cases and appeals, confirmed that indigent defendants in Texas are routinely represented in trials and during appeals by underpaid court-appointed lawyers who are inexperienced, inept, or uninterested.

These lawyers spend little time on the cases and present inadequate arguments and flawed defenses. In several notorious cases, defense lawyers slept in court, drank heavily, or used illegal drugs during a death penalty case.

Time and again, we hear defenders of the status quo say that as long as an accused person has access to the courts, the system is working properly. Statements of this sort reflect either ignorance or worse. The question we must ask is whether the promise of access to the courts is real, or just a cruel joke. Does access mean meaningful access, with qualified defense counsel who know what they are doing and have the resources to do the job properly, or does it mean merely token access. The evidence shows that it is too often the latter.

The evidence is overwhelming that the capital punishment system is broken—not just in Illinois, where the high error rate has prompted a moratorium on executions—not just in Texas, with its sleeping lawyers and racial biases—but across the Nation.

The people have heard this evidence, and they know this. A recent poll conducted by Peter D. Hart Research, a Democratic research firm, and American Viewpoint, a Republican research firm, shows that the public discourse on the death penalty has matured from a debate over whether the death penalty system is broken into a constructive dialogue on how broken it is, and about how much reform we need to fix it—if indeed it can be fixed at all.

New developments in DNA technology have helped expose some of the flaws in the system, and they have been invaluable in freeing innocent Americans like Dennis Fritz. But the public knows that the injustices revealed by DNA testing are just the tip of the iceberg. The central theme running through the vast majority of the tragedies we have seen has been incompetent, under-funded trial counsel making a mockery of our adversarial system.

Any reform that does not deal with the counsel issue is inadequate. The American people understand this. When it comes to matters of life and death, most Americans—55 percent of those surveyed—believe that it is not enough to ensure access to DNA testing without also ensuring access to competent and experienced defense counsel.

There is one more key lesson to be learned from listening to the American people. We are a nation founded on tolerance, but not tolerance of incompetence and failure. When there's a broken product out there endangering innocent lives, Americans rightly demand that it be fixed or recalled. Some irresponsible corporations are currently learning what comes of those who continue to put more and more broken, dangerous products into circulation.

As conservatives like George Will have pointed out, there is a parallel American tradition that we here in Washington know well of demanding that incompetent officials and broken government programs shape up or face the scrap heap.

Now that they have heard the evidence, Americans are ready to apply that same common sense to the government program known as the death penalty. Americans may be divided on whether the capital punishment system needs to be recalled, but there is a clear and growing consensus that the system needs to be reformed. An overwhelming majority—some 80 percent of those surveyed—want to see concrete measures to ensure competent and adequately funded counsel.

An even larger majority—nearly 90 percent of those surveyed—want to ensure that death row inmates can obtain DNA testing.

When a government program has a record of incompetence, failure, and

harming innocent lives, ordinary Americans say fix it or scrap it; do not under any circumstances expand it. In the past few years, as the defects of our capital punishment system have become more and more obvious, the States have largely ignored the problem, while they have expanded the program, executing more and more people. Neither history, nor the American people, will be kind to a Congress that stands by and does nothing while this trend continues.

The evidence has shown that the death penalty is broken; the American people know the death penalty is broken; and they are calling upon us, their elected representatives, to fix it or scrap it.

The bipartisan Innocence Protection Act is a real, practical response to that demand. Of critical importance, it meaningfully addresses not just the tip of the iceberg—DNA testing—but also the bulk of the problem—ineffective and under-funded defense counsel.

Our bill does not go as far as some Americans would like. It does not scrap the death penalty; it does not place a moratorium on executions; and it does not tackle all the injustices inflicted upon racial minorities and the mentally retarded by the present capital punishment system. Rather, it embodies a consensus approach, informed by the wisdom of Democrats and Republicans in the Senate and House, the Department of Justice and experts and ordinary Americans on all sides of our criminal justice system.

Because of this, it has been gaining ground. We now have 14 cosponsors in the Senate, and about 80 in the House. We have Democratic and Republican cosponsors, supporters of the death penalty and opponents. President Clinton, Vice-President GORE, and Attorney General Reno have all expressed support for the bill.

I had hoped that my colleagues would heed the American people's call for practical, bipartisan reform and expedite passage of this important legislation. Unfortunately, every opportunity for progress has been squandered. Even with respect to post-conviction DNA testing, where there is strong bipartisan consensus that federal legislation is appropriate and necessary, we could not even manage to report a bill out of committee.

While our lack of progress on Federal legislation is regrettable, there have been some positive developments that may facilitate broader access to post-conviction DNA testing. On September 29, a federal district judge in Virginia held that State prisoners may file federal civil rights suits seeking DNA testing, reasoning that the denial of possibly exculpatory evidence states a claim of denial of due process. If this decision is upheld, it could go a long way toward persuading State prosecutors and courts to stop stonewalling on requests for postconviction DNA testing.

I was also greatly heartened this week to read that the Virginia Supreme Court has moved to eliminate that State's shortest-in-the-nation deadline for death row inmates to introduce new evidence of their innocence. Currently, inmates in Virginia have only 21 days after their sentencing to ask for a new trial based on new information. The proposed rule change would re-open Virginia's courts to inmates like Earl Washington, who had to wait six years for a Governor to order additional DNA tests and grant a pardon.

Outside of Virginia, some State legislatures have begun considering the need for criminal justice reforms. Since the initial introduction of the Innocence Protection Act early this year, Arizona, California, Oklahoma, Tennessee, and Washington have passed laws providing prisoners greater access to post-conviction DNA testing, and other States are considering similar measures. I am especially pleased that California's legislators saw fit to model their law in part on the Innocence Protection Act.

By contrast, Tennessee's statute allows post-conviction DNA testing only to prisoners under sentence of death, leaving the vast majority of prisoners without access to what could be the only means of demonstrating their innocence. And neither of these laws addresses the larger and more urgent problem of ensuring that capital defendants receive competent legal representation. There is still much to do.

There can no longer be any doubt that our nation's capital punishment system is in crisis. I urge my colleagues on both sides of the aisle, those who support the death penalty, and those who oppose it, let us work together to find solutions.

ADDITIONAL STATEMENTS

TRIBUTE TO COMMEMORATE THE 65TH ANNIVERSARY OF THE CHINA CLIPPER'S FIRST FLIGHT

• Mr. INOUYE. Mr. President, this month marks the 65th anniversary of the world's first commercial trans-Pacific flight. I wish to pay tribute to those who possessed the vision and tenacity to achieve this historic milestone, which significantly altered the travel industry, mail service, and cargo service, and forever change my home state of Hawaii.

On November 22, 1935, Pan American World Airways' China Clipper traveled from San Francisco to Manila. This feat was remarkable for many reasons, including the following:

This inaugural fight was the longest ocean-spanning flight in history. The China Clipper traveled 8,746 miles and completed the one-way route in six days. Prior to this flight, the longest over-water flight was a 1,865-mile journey from Dakar in French West Africa to Natal, Brazil, in South America.

This aircraft delivered the first airmail across the Pacific ocean. It carried 110,865 letters weighing a total of 1,837 pounds.

This China Clipper, an M–130 aircraft built by G. L. Martin Company specifically to meet the demands of this trans-oceanic flight, was the largest flying boat ever.

About 125,000 people cheered as the four-engine China Clipper taxied out of a harbor in San Francisco Bay and headed for the Philippines. They watched from vantage points along the shore and the still-under-construction Golden Gate Bridge, and aboard recreational boats and small private planes. Postmaster General James A. Farley traveled from Washington, D.C. to witness this inaugural event and President Franklin D. Roosevelt sent a special message conveying his heartfelt congratulations.

The China Clipper made stops at several Pacific Islands. On November 23, 1935, its arrival in Oahu's Pearl Harbor was watched by about 3,000 people. Then the aircraft continued on, making stops at Pan American bases at Midway Island, Wake Island, and Guam. The China Clipper brought the staffs at these bases 12 crates of turkeys, and cartons of cranberries, sweet potatoes, and mincemeat. The meals represented these islands' first Thanksgiving celebrations.

The China Clipper's brave crew of seven were: Captain Edwin C. Musick, First Officer R. O. D. Sullivan, Second Officer George King, First Engineering Officer Chan Wright, Engineering Officer Victor Wright, Navigation Officer Fred Noonan, and Radio Officer W. T. Jarboe, Jr.

Captain Musick's own description of the landing at Wake Island, a barren atoll, offers a glimpse of what it was like to be aboard the China Clipper's inaugural trans-Pacific flight. According to Captain Musick, the landing was the ''most difficult'' on the trip and ''called for the most exacting feats of navigation on record.'' It was like striking a point that was ''smaller than a pinhead'' in the ''vast map of the Pacific Ocean.''

On November 29, 1935, the China Clipper landed in Manila and on December 6, it arrived in San Francisco to complete the round trip. Although the aircraft did not carry any paying passengers, its journey marked the beginning of trans-oceanic passenger commercial aviation.

Eleven months later, on October 21, 1936, Pan American inaugurated a passenger service route with stops in San Francisco, Honolulu, and Manila. The four-engine China Clippers cruised at 150 miles per hour. Passengers, who sat in broad armchairs and ate their meals with fine china and silverware, paid $1,438 for a round trip from San Francisco to Manila. The airlines purchased six Boeing B–314 aircraft to add to its Pacific-route fleet.

Thirty years later, the advent of the jet age brought Hawaii—located approximately 2,400 miles from the nearest major port—closer to the rest of

the world. In 1967, visitor arrivals jumped 34.6 percent to 1.1 million tourists from the previous year when the first jets arrived in Hawaii. By 1968, Continental Airlines, Western Air, Braniff International, American Airlines, Trans World Airlines, Inc., and United Airlines had joined Pan Am in flying Hawaii-Mainland routes. Today, Honolulu International Airport is home to about 40 carriers. In recent years, the state's annual visitor count has approached 7 million tourists.

The China Clipper also paved the way for the export of Hawaii's agricultural products, such as pineapples and flowers. The Hawaii floriculture industry's out-of-state sales each year are about $40 million. The timely export of these perishable goods is made possible by aviation.

Today, agriculture and tourism are mainstays of Hawaii's economy. The China Clipper's crew and Juan Trippe, who was president of Pan American at the time of the inaugural flight, would marvel at the economic and social ramifications of that historic journey more than six decades ago.

I salute the people of Pan American World Airways, G. L. Martin Company, and Boeing who pursued what others thought was impossible. It is my hope that today's aviation industry will follow the example of its forebears by continually striving to achieve new milestones in safety, efficiency, and customer service.●

THE 100TH ANNIVERSARY OF PAUL ARPIN VAN LINES INC.

● Mr. L. CHAFEE. Mr. President, I rise today to congratulate Paul Arpin Van Lines Inc., a moving company based in West Warwick, Rhode Island, on its 100th anniversary.

The business community of the State of Rhode Island is comprised primarily of small, family businesses. Indeed, 98 percent of Rhode Island businesses are small businesses. These businesses have played an extremely important role in the growth and strength of the Rhode Island economy. One of these businesses is a moving company, Paul Arpin Van Lines Inc., of West Warwick, Rhode Island.

One hundred years ago this month, the company was founded by Paul G. Arpin, who left it to his son, Paul Arpin. Paul Arpin is still very active in the daily affairs of the business as Chief Financial Officer. Paul's son, David, is now the company's President.

Paul Arpin Van Lines Inc., has grown considerably since its founding. It now employs 400 Rhode Islanders and has 160 agents throughout the country. It has survived the Great Depression, a number of recessions and various other financial downturns that challenged far larger businesses in the state. Its sound business practices and active community involvement through the years have been a constant source of pride, not only to the Arpin family, but to many generations of Rhode Island families employed by them.

It is with great pleasure that I salute the entire Arpin family for its many accomplishments over this past century and wish them many, many more years of success.●

TRIBUTE TO JOE DEAN BOBO

● Mrs. BOXER. Mr. President, I rise today to recognize the record and accomplishments of one of my constituents who has devoted his career to serving working men and women in California. On the occasion of his retirement from the International Association of Machinists and Aerospace Workers, I salute Joe Dean Bobo for his tireless efforts over the last three decades, and applaud his lifetime of accomplishments.

Joe Bobo was born in rural Arkansas to a family of fifteen. He moved to Oakland, California as a teenager, and served three years in the United States Army before beginning work in his family's scrap metal business. Joe's involvement with the IAMAW began in 1969, when he began work as an apprentice mechanic. He quickly advanced to become a shop steward, and was appointed a full-time union official with the IAMAW Northern California District Lodge 190 in 1979.

Since that time, Joe has worked tirelessly in advocating for fair wages and benefits on behalf of the men and women he represents. He has gained the respect of both labor union members and employers through his dedicated service.

In addition to his full-time position with the IAMAW, Joe's experience and passion for labor issues have resulted in him being called on to participate in a variety of leadership positions. He is currently the Secretary/Treasurer of the Automotive Machinists Coordinating Committee of Northern California and a Trustee of the Automotive Industries Health, Welfare and Pension Fund. Joe's labor leadership has also included a term as President of the California Conference of Machinists, representing 150,000 members employed in the aerospace, airlines, automotive, electronics and manufacturing industries.

His community service is also commendable, including service as an advisory member of the Transition Committee for Waste Management and on the New Oakland Committee. Joe is an exceptional person who has earned the gratitude and respect of the scores of people who have worked with him and come to know him.

I am pleased to join Joe's friends, family and colleagues in recognizing his outstanding service to his fellow workers and to the community and wish him well as he moves on to new challenges in his retirement.●

HONORING MINNESOTA TEACHER OF THE YEAR, KATIE KOCH-LAVEEN

● Mr. GRAMS. Mr. President, I appreciate the opportunity to be here today to honor Ms. Katherine Koch-Laveen as Minnesota's Teacher of the Year for the year 2000. This is certainly a high honor, as I note that 98 Minnesota educators were nominated for this award, and their accomplishments were reviewed by 18 judges. It is all the more impressive considering Minnesota's public schools reputation for academic excellence. I also commend the 98 nominees for this honor, 28 of whom were chosen as ''teachers of excellence,'' and 10 of whom were further chosen for an ''honor roll'' of teachers. School teachers that excel at their craft are critically important to the intellectual development of their students, and help shape the student's vision for what they can accomplish in their lives.

I still can vividly remember the excellent educators that taught me at Zion Lutheran Christian Day School in Crown. Excellent teachers motivate, show enthusiasm for inquiry, and instill in their students a passion for learning that often continues for a lifetime. A great educator gives the student a core foundation of knowledge about a subject, and a curiosity about the topic that drives a student to study and research more extensively long after they have left that particular class.

Great teachers also make sacrifices for their students. It's no secret that in today's high-tech, knowledge-based economy, Ms. Koch-Laveen could probably find a more financially rewarding profession, especially with her science background. And our great teachers need to be rewarded financially, so that we do not lose too many to industry. But ultimately, I have to believe that what keeps them in the classroom is the intangible reward of seeing their students excel, and having a group of students come in to a class with little knowledge about a topic and have them leave with a firm grasp of core concepts, a desire to learn much more, and an excitement to apply what they have learned in ''real world'' situations. And I hesitate to use the term ''real world,'' because these days there is probably nothing more real world than a high school classroom.

So congratulations and thank you, Ms. Koch-Laveen, for your commitment to excellence and dedicated service to your students, your community, and to Minnesota. Thanks also to the other hardworking Apple Valley teachers here today that strive for excellence in the classroom and shoulder so much responsibility for Minnesota's future. It has been a pleasure to be here.●

HONORING LINCOLN McILRAVY

● Mr. JOHNSON. Mr. President, I rise to publicly commend Lincoln McIlravy, a native of Phillip, SD, on earning a bronze medal for his remarkable display of athleticism in the freestyle wrestling event at the 2000 Summer Olympics in Sydney, Australia.

Lincoln McIlravy's wrestling talent combined with years of practice, and

an extraordinary dedication to physical excellence attribute to his athletic success. On October 1, 2000, Lincoln became one of America's best wrestlers on the global Olympiad stage where he scored a solid 3–1 victory over Sergei Demtchenko of Belarus, thus victoriously claiming the bronze medal in the 69kg freestyle event.

Success has been abundant in Lincoln's wrestling career, as his honors include being a three-time NCAA champion for the University of Iowa, as well as four U.S. National titles, 1997–2000. Yet, Lincoln's prominence as an international contender began when he was a member of the 1997 World team. McIlravy then became a two-time world medalist having won a silver medal at the 1999 World Championships and a bronze medal in the 1998 World Championships. He not only was a 1999 Pan American Games champion, but also a 1998 Goodwill Games champion, in addition to the three-time World Cup champion, 1998–2000.

Lincoln McIlravy is an exemplary athlete who richly deserves this distinguished recognition. Therefore, it is with great honor that I share Lincoln's impressive Olympic accomplishments with my colleagues.●

TRIBUTE TO BOAZ SIEGEL

● Mr. LEVIN. Mr. President, I am delighted to rise today to acknowledge a lawyer, from my home State of Michigan, of great intellectual capacity and a passion for justice, Boaz Siegel, who dedicated his life to fighting for working men and women. On October 20th of this year, hundreds of people will gather for the dedication of the new headquarters for the Pipefitters, Refrigeration & Air Conditioning Service Local 636. This dedication will also serve as a tribute to Mr. Siegel, and will culminate in his being made an honorary member of Local 636.

Boaz Siegel has dedicated his academic and professional life to studying, teaching and practicing the laws that affect the well-being of all workers. Believing that the law could be a noble profession dedicated to the public good, he enrolled in the Wayne State University Law School. While in law school he balanced the responsibilities of family, work and pursuing numerous social causes. He excelled in his law studies at Wayne State University, and received his Juris Doctorate in 1941.

Upon graduating law school, Boaz's plans to enter private practice were delayed as he was asked to work in the Wayne State Law Library. This quickly led to a teaching position at the law school where he taught from 1941 through 1972. During this time, he briefly left to join Samuel Schwartz and Rolland O'Hare in a private practice that my brother, Sander Levin, joined shortly after its inception. After a year in practice, Boaz returned to teaching and was made assistant to the provost and a full professor at Wayne State University Law School.

Although passionate about teaching, Boaz Siegel's first love remained labor law. While teaching at Wayne State in the 1950s, he served as legal counsel to the trustees of fringe benefit, pension and health funds. One such fund, the Detroit and Vicinity Construction Workers Health and Welfare Fund, possessed 45,000 participants. In 1962, he was appointed by the United States Secretary of Labor to a position on the first U.S. Council on Employee Welfare and Pension Plans.

Two years later, his considerable talents as an arbitrator were acknowledged when he became a member of the National Academy of Arbitrators. However, it was his fund work that consumed most of his time, and led him to leave teaching and enter law practice full-time in 1972. His work with many unions, including Local 636, has ensured a better future for thousands of workers and their families.

Boaz Siegel can take pride in his long and honorable service to the working people of Michigan. I am honored to call this man a mentor, colleague and friend. I hope my Senate colleagues will join me in saluting Boaz Siegel for his commitment to working men and women, the labor movement and teaching and practicing law.●

TRIBUTE TO FRAMATOME CONNECTORS USA, INCORPORATED

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to and congratulate Framatome Connectors USA, of Manchester, on their nomination for this year's Secretary of Defense Employer Support Freedom Award. Their dedication to their employees who serve our country as part of the National Guard and Reserve is admirable and an example for other businesses.

Framatome, which manufactures electrical connectors, serves the needs of its five employees who serve in the National Guard and Reserve in several very important ways. First, their compensation package for all employees includes differential pay between civilian and military salaries. The package also includes medical, dental, and life insurance and 401(k) coverage for the duration of the employee's duty commitment.

Framatome has also established a policy that allows the employee on active duty to maintain his or her position with the company for as long as they required to remain on active duty. They believe the service of their employees to their country is important to our nation's defense, and anything they can do to make this service easier for their employees and their families is worth the effort.

Framatome put this generous plan into action recently when one of their employees was mobilized and sent to Bosnia during a Presidential call up. The company believed that when an employee is activated and pulled away from his or her family, a financial cushion should be available to help bridge the gap during the salary transition from civilian to military pay. They wanted to be sure the family of the reservist or guardsman or woman would have the financial resources they needed to continue as close to normal a life as possible while their loved one was away.

I applaud Framatome's effort to make Reserve or National Guard service easier for their employees, and the company's national recognition is certainly well-deserved. I know the employees who sacrifice so much to serve their country are extremely grateful for the chance to serve their country and work for such a compassionate, understanding company. It is an honor to serve all the people of Framatome, USA in the U.S. Senate.●

TRIBUTE TO CAPTAIN JOHN O'GRADY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Captain John O'Grady, who recently completed a charity bicycle ride from Dayton, Ohio to Albuquerque, New Mexico to raise awareness and money for epilepsy charities. I am particularly proud of John because I had the pleasure of coaching this amazing young man during the 1973–74 baseball season at Kingswood Regional High School.

John's desire to make his ride is deeply personal. Just this year, after 23 years as a pilot with United Parcel Service and Airborne Express, John suffered a grand mal seizure while dining at an airport restaurant after a flight. A few weeks later, John was stricken again and diagnosed with epilepsy. This was a shocking blow for a man who flew planes and hot air balloons for so many years.

With his flying and driving privileges permanently taken away from him, John was forced to ride his bicycle everywhere he went. In fact, it was on a bike that he suffered the seizure that led to his epilepsy diagnosis, but John did not give up. Instead, he decided to try to use his experience to help others facing epilepsy and the charities that do such important work as we research and try to find a cure for this terrible disease.

Since John enjoys hot-air ballooning so much and could not bear to miss the annual International Balloon Fiesta, he decided to ride his bike the 1,600 miles from Dayton, Ohio to the event in Albuquerque. Along the way, John has raised more than $11,000 for several epilepsy charities and inspired others battling epilepsy. John's ride has given people with epilepsy a platform on which they can finally talk about their disease and the discrimination they face on a daily basis. That is perhaps the most important legacy of this magnificent achievement.

I want to congratulate John and wish him well in all he does. I am so proud of his courage and determination, and I

am honored to have known him. It is an honor to serve him in the U.S. Senate.●

TRIBUTE TO ERIC KINGSLEY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Eric Kingsley as he leaves his position as Executive Director of the New Hampshire Timberland Owners Association, NHTOA.

Eric's five year tenure at NHTOA has been marked by progress and success. The organization's programs and services have grown to meet the needs and concerns of its members, and have established a strong, stable foundation for the association's future.

Through the years, I have grown to value Eric's input on the many issues that significantly impact New Hampshire's timberlands. Eric has done an outstanding job of keeping me, and other policy makers, informed on the issues and has been a true leader in making sure the voice of NHTOA was heard throughout the country.

Of all of Eric's achievements at NHTOA, perhaps his most important success came this past spring. Eric helped lead the charge to defeat the Environmental Protection Agency's ill-considered proposal to treat some forestry activities as ''point source pollution'' under the Clean Water Act. These rules, known as Total Maximum Daily Loads—TMDL—would have required landowners, foresters, and homeowners to obtain federal permits before conducting a timber harvest and could have exposed them to lengthy bureaucratic delays and costly citizen lawsuits.

This past May, I held a field hearing in Whitefield, New Hampshire, on the TMDL issue, and not only did Eric successfully testify, but he organized hundreds of foresters to ensure their message was heard loud and clear in Washington. Thanks in large part to Eric's leadership on this issue, the EPA withdrew the section of the TMDL rules that adversely affected forestry.

My staff and I have also worked closely with Eric on issues of importance to the White Mountain National Forest. When the President issued his ''roadless'' initiative stripping the people of New Hampshire and New England with the opportunity to have a voice in the management of their public lands, Eric was there to ensure we took this measure to task. This time we were not successful, but we were very close to creating an exemption for the White Mountain National Forest from this heavy-handed proposal.

Eric also rose to the occasion in the face of destruction from Mother Nature's wrath. The Ice Storm in January 1998 brought unprecedented challenges to New Hampshire's forest lands. Hundreds of thousands of acres were significantly damaged. Eric worked closely with me and my colleagues to help us turn this tragedy into an opportunity. Today, not only has the federal government provided resources to help recover from the storm, but we have a record number of acres under forest stewardship plans.

My staff and I have worked with Eric on a wide variety of other issues during his time at NHTOA, and have always been impressed with his dedication and the depth of knowledge he displayed on issues ranging from estate tax reform to rural economic development. He has always been an effective and honest advocate for the causes he holds close to his heart, and I know he will be greatly missed by me and NHTOA's 1,500 members.

I wish Eric well in all his future endeavors, and am confident he will succeed in whatever pursuits he chooses. It is an honor to represent him in the U.S. Senate.●

TRIBUTE TO BARBARA BEDFORD

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Barbara Bedford of Etna, New Hampshire, on her fine performance at the Sydney Olympic Games. Her hard work, dedication and perseverance in making her Olympic dream a reality are an example for us all, and the people of New Hampshire are so very proud of her excellent performance.

Barbara, along with Jenny Thompson, was part of the gold-medal winning 4x100 medley relay that shattered the world record. It was so great to see Barbara fly through the water during the backstroke leg of the relay with her extremely patriotic red, white and blue-dyed hair. Her Olympic moment was years in the making, as she finally made her first Olympic team at the age of 27 after disappointments at the 1988, 1992 and 1996 Olympic Trials. After those heartbreaking defeats, Barbara could have easily given up her dream of making an Olympic team. However, with the help of her family and coach, Barbara did not retreat. Instead, she worked tirelessly toward her dream and was rewarded at this year's Olympic trials, where she placed first in the 50-meter backstroke. Barbara was able to keep her focus squarely on making the team this year and reach her goal, and this is an inspiration to all of us and proves once again that if we work hard, we can do just about anything. Her positive attitude and passion for her sport is so refreshing in an age when far too many athletes seem more interested in endorsements than their sport.

Once again, I want to congratulate Barbara on her accomplishments, and I wish her all the best in her future endeavors. It is an honor to represent her in the U.S. Senate.●

TRIBUTE TO JENNY THOMPSON

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Jenny Thompson of Dover, New Hampshire on her magnificent performance in the Sydney Olympic games. Her hard work and dedication through three Olympics is an example for all of us, and the people of New Hampshire are extremely proud of her success.

Jenny has done so much throughout her career to make the people of Dover and New Hampshire proud during her distinguished career. Whether it was breaking records at Stanford University or winning numerous competitions, Jenny has set the standard for women's swimming in the United States over the past decade. Jenny's Olympic teammates often cite her achievements as their inspiration for striving for excellence in the pool.

During the Sydney games, American swimmers brought home an impressive 33 of a possible 96 swimming medals, more than any other nation, and Jenny played a key role in that amazing success. She anchored two gold medal-winning relays and brought home her first individual Olympic medal, a bronze in the 100-meter freestyle. These blistering performances brought Jenny's individual Olympic medal count to nine, breaking Bonnie Blair's record for Olympic medals won by an American woman. Jenny performed beautifully under amazing pressure and against tough competition, and she will always be a champion in the eyes of the people of New Hampshire.

As Jenny ends her Olympic swimming career, I wish her all the best as she heads to medical school. I am confident her amazing work ethic and dedication to excellence will serve her well in her career in medicine and any other endeavor she pursues. It is truly an honor to represent Jenny in the U.S. Senate.●

TRIBUTE TO KNIGHTS OF COLUMBUS OF MERRIMACK

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Knights of Columbus Number 6725 of Merrimack, New Hampshire as they gather to celebrate their 25th anniversary. This is a milestone of which they and the community of Merrimack should be extremely proud.

Throughout its quarter-century of existence, the Knights of Columbus has been a major presence in the Greater Merrimack Area. They have donated their time and energy to making their entire community a better place through public service. Whether it is manning a soup kitchen in Nashua, making annual donations to the New Hampshire Kidney Fund or recognizing Families of the Year, K of C 6725 has shown their dedication to their core values of family, Church, council, and community.

Furthermore, the K of C 6725 has worked to help those who do not have a voice, including the needy, the handicapped, and the unborn. They have donated countless items of clothing to people in need, worked tirelessly to help WMUR–TV with its annual presentation of the Jerry Lewis Telethon and purchased and maintained concession

trailers to help generate donations for many charitable organizations. Furthermore, they have sponsored an annual folk music night for Birthright, a group dedicated to protecting the unborn.

The K of C 6725 has shown dedication not only to its community and those in need but to the Catholic Church as well. They are a constant presence, holding an annual Palm Sunday Breakfast, an Easter celebration known as ''Birthday Party for Jesus,'' and setting up an Memorial Mass at Last Rest Cemetery in Merrimack.

In a world where far too few people take the time and opportunity to get involved in their churches and communities, the K of C No. 6725 is an example of the good things we can accomplish when we work together to help others. I congratulate them on this wonderful anniversary, and I wish them all the best as they continue their fantastic work. It is an honor to represent all of K of C 6725's members in the U.S. 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 CONTINUATION OF EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 134

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C., 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for 1 year beyond October 21, 2000.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressures on significant narcotics traffickers centered in Colombia by blocking their property subject to the jurisdiction of the United States and by depriving them of access to the United States market and financial system.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 19, 2000*.

CONTINUATION OF EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA

On October 21, 1995, by Executive Order 12978, I declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions of significant narcotics traffickers centered in Colombia, and the unparalleled violence, corruption, and harm they cause in the United States and abroad. The order blocks all property and interests in property of foreign persons listed in an Annex to the order, as well as persons determined to play a significant role in international narcotics trafficking centered in Colombia, to materially assist in, or provide financial or technological support for or goods or services in support of, narcotics trafficking activities of persons designated in or pursuant to the order, or to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to the order. The order also prohibits any transaction or dealing by United States persons or within the United States in such property or interests in property. Because the activities of significant narcotics traffickers centered in Colombia continue to threaten the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad, the national emergency declared on October 21, 1995, and the measures adopted pursuant thereto to deal with that emergency, must continue in effect beyond October 21, 2000. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency for 1 year with respect to significant narcotics traffickers centered in Colombia. This notice shall be published in the Federal Register and transmitted to the Congress.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 19, 2000*.

REPORT ON HIGHWAY SAFETY FOR CALENDAR YEAR 1998—MESSAGE FROM THE PRESIDENT—PM 135

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 Commerce, Science, and Transportation.

To the Congress of the United States:

I transmit herewith the Department of Transportation's Calendar Year 1998 reports on Activities Under the National Traffic and Motor Vehicle Safety Act of 1966, the Highway Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972, as amended.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 18, 2000*.

MESSAGE FROM THE HOUSE

At 10:47 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3218. An act to amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.

H.R. 4148. An act to make technical amendments to the provisions of the Indian Self-Determination and Education Assistance Act relating to contract support costs, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence from the Senate:

H. Con. Res. 415. Concurrent resolution expressing the sense of the Congress that there

should be established a National Children's Memorial Day.

The message further announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 151. Concurrent resolution to make a correction in the enrollment of the bill H.R. 2348.

The message also announced that the House has passed the following bill, with an amendment:

S. 964. An act to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 3671) to amend the Acts popularly known as 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 increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes.

The message also announced that pursuant to section 491 of the Higher Education Act (20 U.S.C. 1098(c)), the Speaker reappoints the following member on the part of the House to the Advisory Committee on Student Financial Assistance for a 3 year term: Mr. Henry Givens of St. Louis, Missouri.

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 19, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 4205. An act to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Under the authority of the order of the Senate of January 6, 1999, the enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND) on October 19, 2000.

At 2:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the House insists upon its amendment to the bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon.

That Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. BOEHLERT, Mr. SHAW, Mr. OBERSTAR, Mr. BORSKI, and Mr. MENENDEZ, be the managers of the conference on the part of the House.

At 5:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 114. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

At 7:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4541. An act to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 19, 2000, he has presented to the President of the United States the following enrolled bills:

S. 624. An act to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes.

S. 1809. An act to improve service systems for individuals with developmental disabilities, and for other purposes.

S. 2686. An act to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11210. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Code for New Federal Commercial and Multi–Family High Rise Residential Buildings'' (RIN1904–AA69) received on October 18, 2000; to the Committee on Energy and Natural Resources.

EC–11211. A communication from the Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Energy, transmitting, pursuant to law, a report relative to the strategic plan; to the Committee on Energy and Natural Resources.

EC–11212. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Multiple Award Contracts (MAC); Government Agency Contracts (GWAC); and, Federal Supply Schedules (FSS)'' (RIN AL–2000–07) received on October 18, 2000; to the Committee on Energy and Natural Resources.

EC–11213. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Fluorescent Lamp Ballasts Energy Conservation Standards'' (RIN1904–AA75) received on October 18, 2000; to the Committee on Energy and Natural Resources.

EC–11214. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Management and Administration, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Mail Services User's Manual'' (D.O.E. M 573.1–1) received on October 18, 2000; to the Committee on Energy and Natural Resources.

EC–11215. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Chief Financial Officer, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Official Foreign Travel'' (DOE O 551.1A) received on October 18, 2000; to the Committee on Energy and Natural Resources.

EC–11216. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report relative to royalty management and delinquent account collection activities; to the Committee on Energy and Natural Resources.

EC–11217. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report relative to current inventory; to the Committee on Governmental Affairs.

EC–11218. A communication from the Chief Counsel for Regulation, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Report of Tabulations of Population to States and Localities Pursuant to 13 U.S.C. 141(c) and Availability of Other Population Information'' (RIN0607–AA33) received on October 18, 2000; to the Committee on Governmental Affairs.

EC–11219. A communication from the Director of the Employment Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Reduction in Force Retreat Rights'' (RIN3206–AJ14) received on October 18, 2000; to the Committee on Governmental Affairs.

EC–11220. A communication from the Director, Office of Executive Resources Management, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Managing Senior Executive Performance'' (RIN3206–A157) received on October 18, 2000; to the Committee on Governmental Affairs.

EC–11221. A communication from the Interim Director of the Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, a report relative to the strategic plan for calendar year 2000 through 2005; to the Committee on Governmental Affairs.

EC–11222. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to

law, the report of additions to the procurement list received on October 18, 2000; to the Committee on Governmental Affairs.

EC–11223. A communication from the Comptroller General, General Accounting Office, transmitting, pursuant to law, the August 2000 Report; to the Committee on Governmental Affairs.

EC–11224. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Revision of Administrative Rules and Regulations'' (Docket Number: FV00–956–1–IFR) received on October 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled ''Further Revised Allocation To Subcommittees Of Budget Totals for Fiscal Year 2001'' (Rept. No. 106–507).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

Mr. WARNER, from the Committee on Armed Services.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Section 12203:

To be major general

Brig. Gen. Alexander H. Burgin, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Joseph K. Kellogg Jr., 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Jeffrey J. Schloesser, 0000

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORD of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Army nominations beginning Kirk M. Krist and ending Robert H. Williams, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 2000.

Army nominations beginning James W. Lenoir and ending Charles L. Yriarte, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 2000.

Army nominations beginning Timothy L. Bartholomew and ending Robert E. Welch Jr., which nominations were received by the Senate and appeared in the Congressional Record on October 12, 2000.

Army nomination of Angelo Riddick, which was received by the Senate and appeared in the Congressional Record on October 12, 2000.

Army nomination of James White, which was received by the Senate and appeared in the Congressional Record on October 12, 2000.

Army nominations beginning Joseph C. Carter and ending Raymond M. Murphy, which nominations were received by the Senate and appeared in the Congressional Record on October 17, 2000.

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. DASCHLE (for Mrs. FEINSTEIN):

S. 3219. A bill to amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury; to the Committee on Finance.

By Mr. DEWINE:

S. 3220. A bill to amend sections 3 and 5 of the National Child Protection Act of 1993, relating to national criminal history background checks of providers of care to children, elderly persons, and persons with disabilities; to the Committee on the Judiciary.

By Mr. EDWARDS:

S. 3221. A bill to provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agencies are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer; to the Committee on the Judiciary.

By Mr. CRAIG (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BURNS, Mr. CRAPO, Mr. JOHNSON, and Mr. SMITH of Oregon):

S. 3222. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 3223. A bill to amend the Food Security Act of 1985 to establish the conservation security program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN (by request):

S. 3224. A bill to authorize the Secretary of the Interior to conduct studies of specific areas for potential inclusion in the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM:

S. 3225. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Finance.

By Mr. HATCH:

S. 3226. A bill to amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 380. A resolution approving the placement of 2 paintings in the Senate reception room; considered and agreed to.

By Mr. DURBIN (for himself, Mr. CAMPBELL, and Mr. HELMS):

S. Con. Res. 153. A concurrent resolution expressing the sense of Congress with respect to the parliamentary elections held in Belarus on October 15, 2000, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. DEWINE:

S. 3220. A bill to amend sections 3 and 5 of the National Child Protection Act of 1993, relating to national criminal history background checks of providers of care to children, elderly persons, and persons with disabilities; to the Committee on the Judiciary.

NATIONAL CHILD PROTECTION IMPROVEMENT ACT OF 2000

Mr. DEWINE. Mr. President, today I am introducing the National Child Protection Act Improvement Act of 2000. This bill would amend the National Child Protection act, as amended by the Volunteers for Children Act. It is designed to facilitate the gathering of criminal history record information from both state and federal repositories for background checks of employees and volunteers for organizations providing services to children, the elderly, and the disabled.

Despite the best efforts of the law enforcement community and the volunteer and child services community, many of the individuals who volunteer and are employed in these critical positions still are not subject to criminal history background checks. The bill that I am introducing today modified the National Child Protection Act to facilitate these background checks. Under my bill, with the consent of the individual, the organization with which the individual is applying would receive a copy of the full criminal history record, including relevant arrest information. Further, the bill includes an authorization to provide assistance to these volunteer and service organizations in offsetting the cost of these background checks. To help protect the privacy of individuals who volunteer and are employed in these positions, the bill also would provide a number of important privacy protections.

we need to be sure that we do everything possible to facilitate these important background checks, while assuring that these background checks are not so costly that volunteer organizations and their volunteers are deterred from initiating these vital safety checks.

In shaping this bill, I have worked closely with law enforcement, state officials, and other interested parties. Because of that, the legislation that I am introducing today would help accomplish the laudable goals of the national Child Protection Act and the

Volunteers for Children Act—which are to facilitate national background checks initiated in states which have not adopted authorizing language, and, at the same time, assure that those checks are processed effectively and quickly. We need to give states the flexibility they need to accomplish those goals.

Mr. EDWARDS:

S. 3221. A bill to provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agencies are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer; to the Committee on the Judiciary.

THE LAW ENFORCEMENT OFFICERS DUE PROCESS ACT OF 2000

Mr. EDWARDS. Mr. President, I rise today to introduce the Law Enforcement Officers Due Process Act of 2000. Every day our Nation's police officers put their lives on the line in the fight against crime. Every time they patrol a beat they put their own safety at risk to protect our children and make our country a better place to live and work. We all owe a great deal to these brave men and women.

Working police officers spend their lives among the public safeguarding the innocent and apprehending those who have committed crimes. Much of this contact can be stressful for everyone involved. Perhaps an individual has been stopped by an officer for the suspected violation of a law. Or maybe the officer is assisting someone who is the victim of a crime. Due to the circumstances, these are often unpleasant situations. And unfortunately, in some instances, contact with the police officer may become adversarial and generate complaints about the officer's actions.

These complaints range from accusations that an officer took too long to arrive at a crime scene, used too much force, or was not forceful enough, to claims that the officer was rude or didn't show proper respect. Some complaints against officers are legitimate. However, some complaints are generated to intimidate an officer who is simply doing his or her job, into dropping charges. Any one of these complaints can get an officer fired, suspended, or otherwise punished without the benefit of due process.

A patchwork of state and local laws currently governs the rights of officers when they are involved in a case that may lead to dismissal, demotion, suspension or transfer. Thirty-five states have state and/or local laws in place that govern the administrative due process rights of law enforcement officers. However, 15 states do not have any of these much-deserved due process protections for their law enforcement officers.

The Law Enforcement Officers Due Process Act is a common-sense measure designed to replace arbitrary and ad hoc investigatory procedures with consistent standards. The legislation will provide additional funding to law enforcement agencies that either have in place, or currently do not have but certify they will implement, administrative due process for their law enforcement officers. An agency will be eligible for grant money if its administrative procedures include the right of a law enforcement officer under investigation to: (1) a hearing before a fair and impartial board or hearing officer; (2) be represented by an attorney or other officer at the expense of the officer under investigation; (3) confront any witness testifying against him or her; and (4) record all meetings he or she attends. In many instances, an employer with direct control over an officer is also the investigator. That is why providing basic, explicitly stated rights to officers under investigation is crucial to maintaining impartial investigations. These rights will not interfere with the management of state and local internal investigations. They will merely ensure that officers receive the benefit of fair and objective investigations, whether a complaint against them is legitimate or not.

Some individuals may be concerned that providing these rights would delay removal of an officer who is ultimately found to have deserved disciplinary action taken against them. However, I'd like to emphasize that my legislation would not prevent the immediate suspension of an officer whose continued presence on the job is considered to be a substantial and immediate threat to the welfare of the law enforcement agency or the public; who refuses to obey a direct order issued in conformance with the agency's rules and regulations; or who is accused of committing an illegal act.

The Law Enforcement Officers Due Process Act does not force a law enforcement agency to implement due process rights for its officers. Rather, it encourages agencies to do the right thing by offering them additional funds if they establish written procedures for determining if a complaint is valid or merely designed to cause trouble for the officer.

I urge my colleagues who represent states that do not have law enforcement officers' due process rights laws to cosponsor my bill and give their police officers the protections they deserve. I also urge my colleagues who represent states that have various local laws in place to cosponsor my bill. By doing so they will help eliminate the disparity that exists among local jurisdictions, and guarantee that every single officer in their state will have a minimum baseline of rights to help guarantee fair and impartial investigations.

Crime rates are down across the Nation. We owe a tremendous debt of gratitude to our Nation's police officers for helping make this happen. Our communities, our schools, and our places of business would not enjoy the level of security they have today without the efforts of law enforcement. Enacting the Law Enforcement Officers Due Process Act is the least we can do to show officers that we will fight for all of them just like they fight for all of us every day.

I ask unanimous consent that the Law Enforcement Officers Due Process Act be printed in the RECORD.

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

S. 3221

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Law Enforcement Officers Due Process Act of 2000''.

SEC. 2. PROTECTION FOR LAW ENFORCEMENT OFFICERS.

(a) PROGRAM AUTHORIZED.—The Attorney General is authorized to provide grants to law enforcement agencies that are eligible under subsection (b).

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a law enforcement agency shall—

(1) have in effect an administrative process that complies with the requirements of subsection (c) or an existing procedure described in subsection (e); or

(2) certify that it will establish, not later than 2 years after the date of enactment of this Act, an administrative process that complies with the requirements of subsection (c).

(c) OFFICER RIGHTS.—The administrative process referred to in subsection (b) shall require that a law enforcement agency that investigates a law enforcement officer for matters which could reasonably lead to disciplinary action against such officer, including dismissal, demotion, suspension, or transfer provide recourse for the officer that, at a minimum, includes the following:

(1) ACCESS TO ADMINISTRATIVE PROCESS.—The agency has written procedures to ensure that any law enforcement officer is afforded access to any existing administrative process established by the employing agency prior to the imposition of any such disciplinary action against the officer.

(2) SPECIFIC PROCEDURES.—The procedures used under paragraph (1) include, the right of a law enforcement officer under investigation—

(A) to a hearing before a fair and impartial board or hearing officer;

(B) to be represented by an attorney or other officer at the expense of such officer;

(C) to confront any witness testifying against such officer; and

(D) to record all meetings in which such officer attends.

(d) IMMEDIATE SUSPENSION.—Nothing in this section shall prevent the immediate suspension with pay of a law enforcement officer—

(1) whose continued presence on the job is considered to be a substantial and immediate threat to the welfare of the law enforcement agency or the public;

(2) who refuses to obey a direct order issued in conformance with the agency's written and disseminated rules and regulations; or

(3) who is accused of committing an illegal act.

(e) EXISTING PROCEDURES.—The provisions of this section shall not apply to a law enforcement agency if the Attorney General determines that such agency has in effect an established civil service system, agency review board, grievance procedure or personnel

board, which meets or exceeds the minimum standards of subsection (c).

(f) DISTRIBUTION OF FUNDS.—From the amount made available to carry out this section, the Attorney General shall allocate—

(1) 50 percent for law enforcement agencies that are eligible under paragraph (1) of subsection (b); and

(2) 50 percent for law enforcement agencies that are eligible under paragraph (2) of subsection (b).

(g) REGULATIONS.—The Attorney General may prescribe such regulations as may be necessary to carry out this section.

(h) DEFINITIONS.—For purposes of this section—

(1) the term ''law enforcement agency'' means any State or unit of local government within the State that employs law enforcement officers; and

(2) the term ''law enforcement officer'' means an officer with the powers of arrest as defined by the laws of each State and required to be certified under the laws of such State.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

Mr. CRAIG (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BURNS, Mr. CRAPO, Mr. JOHNSON, and Mr. SMITH of Oregon):

S. 3222. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; to the Committee on Energy and Natural Resources.

HARMFUL NON-NATIVE WEED CONTROL ACT OF 2000

Mr. CRAIG. Mr. President, I rise today with Senator DASCHLE to introduce the Harmful Non-native Weed Control Act of 2000—to provide assistance to eligible weed management entities to control or eradicate harmful, non-native weeds on public and private land. I am pleased that Senators BAUCUS, BURNS, CRAPO, JOHNSON, and GORDON SMITH, are joining us as original cosponsors.

Currently, noxious weeds are a dangerous threat to the viability of both public and private lands across the country. Over a century ago, a wave of noxious weeds entered North America from Europe and Asia. Unlike native species, which have natural predators and control mechanisms, these weeds lack native insects, fungi, or diseases to control their growth and takeover of native plants.

Noxious weeds are estimated to spread at the rate of 4,600 acres per day on federal lands alone in the Western United States. Idaho's own rush skeltonweed has increased from a few plants in 1954 to roughly 4 million acres today. Hundreds of millions of dollars are spent each year by Western states to prevent and stop the growth of noxious weeds.

These nonnative weeds threaten fully two-thirds of all endangered species and are now considered by some experts to be the second most important threat to biodiversity. In some areas, spotted knapweed grows so thick that big game like deer will move out of the area to find edible plants. Noxious weeds also increase soil erosion, and prevent recreationists from accessing land that is infested with poisonous plants. Bikers are often met with a formidable foe when 2-inch-long thorns pop their tires on bike paths overrun with puncture vine that can pierce all but the most rugged materials.

In response to this environmental crisis, I have worked with the National Cattlemen's Beef Association, Public Lands Council, and the Nature Conservancy to develop the Harmful Non-Native Weed Control Act of 2000. This legislature will provide a mechanism to get funding to the local level where weeds can be fought in a collaborative way. Working together is what this entire initiative is about.

Specifically, this bill establishes, in the Office of the Secretary of the Interior, a program to provide assistance through States to eligible weed management entities. The Secretary of the Interior appoints an Advisory Committee of ten individuals to make recommendations to the Secretary regarding the annual allocation of funds. The Secretary, in consultation with the Advisory Committee, will allocate funds to States to provide funding to eligible weed management entities to carry out projects approved by States to control or eradicate harmful, non-native weeds on public and private lands. Funds will be allocated based on several factors, including but not limited to: the seriousness of the problem in the State; the extent to which the Federal funds will be used to leverage non-Federal funds to address the problem; and the extent to which the State has already made progress in addressing the problems.

The bill directs that the States use 25 percent of their allocation to make base payments and 75 percent for financial awards to eligible weed management entities for carrying out projects relating to the control or eradication of harmful, non-native weeds on public or private lands. To be eligible to obtain a base payment a weed management entity must be established by local stakeholders for weed management or public education purposes, provide the State a description of their purpose and proposed projects, and fulfill any other requirements set by the State. Weed management entities are also eligible for financial awards which are funds awarded by the State on a competitive basis to carry out projects which cannot be funded within the base payment. Projects will be evaluated, giving equal consideration to economic and natural values, and selected for funding based on factors such as the seriousness of the problem, the likelihood that the project will address the problem, and how comprehensive the project's approach is to the harmful, non-native weed problem within the State. A 50 percent non-Federal match is required to receive the funds.

The Department of Agriculture in Idaho (ISDA) has developed a Strategic Plan for Managing Noxious Weeds through a collaborative effort involving private landowners, State and Federal land managers, State and local governmental entities, and other interested parties. Cooperative Weed Management Areas (CWMAs) are the centerpiece of the strategic plan. CWMAs cross jurisdictional boundaries to bring together all landowners, land managers, and interested parties to identify and prioritize noxious weed strategies within the CWMA in a collaborative manner. The primary responsibilities of the ISDA are to provide coordination, administrative support, facilitation, and project cost-share funding for this collaborative effort. Idaho already has a record of working in a collaborative way on this issue—my legislation will heighten the progress we've had, and establish the same formula for success in other States.

We are introducing this legislation today to get the discussion started. We hope to refine the bill over the winter and introduce an improved bill next year. Constructive suggestions are welcome and we look forward to working with other Members of Congress to get this bill passed next year. Noxious weeds are not only a problem for farmers and ranchers, but a hazard to our environment, economy, and communities in Idaho and the West. The Harmful Nonnative Weeds Act of 2000 is an important step to ensure we are diligent in stopping the spread of these weeds. I am confident that if we work together at all levels of government and throughout our communities, we can protect our land, livelihood, and environment.

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

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

S. 3222

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Harmful Nonnative Weed Control Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) public and private land in the United States faces unprecedented and severe stress from harmful, nonnative weeds;

(2) the economic and resource value of the land is being destroyed as harmful nonnative weeds overtake native vegetation, making the land unusable for forage and for diverse plant and animal communities;

(3) damage caused by harmful nonnative weeds has been estimated to run in the hundreds of millions of dollars annually;

(4) successfully fighting this scourge will require coordinated action by all affected stakeholders, including Federal, State, and local governments, private landowners, and nongovernmental organizations;

(5) the fight must begin at the local level, since it is at the local level that persons feel the loss caused by harmful nonnative weeds and will therefore have the greatest motivation to take effective action; and

(6) to date, effective action has been hampered by inadequate funding at all levels of government and by inadequate coordination.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide assistance to eligible weed management entities in carrying out projects to control or eradicate harmful, nonnative weeds on public and private land;

(2) to coordinate the projects with existing weed management areas and districts;

(3) in locations in which no weed management entity, area, or district exists, to stimulate the formation of additional local or regional cooperative weed management entities, such as entities for weed management areas or districts, that organize locally affected stakeholders to control or eradicate weeds;

(4) to leverage additional funds from a variety of public and private sources to control or eradicate weeds through local stakeholders; and

(5) to promote healthy, diverse, and desirable plant communities by abating through a variety of measures the threat posed by harmful, nonnative weeds.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the advisory committee established under section 5.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 4. ESTABLISHMENT OF PROGRAM.

The Secretary shall establish in the Office of the Secretary a program to provide financial assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

SEC. 5. ADVISORY COMMITTEE.

(a) IN GENERAL.—The Secretary shall establish in the Department of the Interior an advisory committee to make recommendations to the Secretary regarding the annual allocation of funds to States under section 6 and other issues related to funding under this Act.

(b) COMPOSITION.—The Advisory Committee shall be composed of not more than 10 individuals appointed by the Secretary who—

(1) have knowledge and experience in harmful, nonnative weed management; and

(2) represent the range of economic, conservation, geographic, and social interests affected by harmful, nonnative weeds.

(c) TERM.—The term of a member of the Advisory Committee shall be 4 years.

(d) COMPENSATION.—

(1) IN GENERAL.—A member of the Advisory Committee shall receive no compensation for the service of the member on the Advisory Committee.

(2) TRAVEL EXPENSES.—A member of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Advisory Committee.

(e) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

SEC. 6. ALLOCATION OF FUNDS TO STATES.

(a) IN GENERAL.—In consultation with the Advisory Committee, the Secretary shall allocate funds made available for each fiscal year under section 8 to States to provide funding in accordance with section 7 to eligible weed management entities to carry out projects approved by States to control or eradicate harmful, nonnative weeds on public and private land.

(b) AMOUNT.—The Secretary shall determine the amount of funds allocated to a State for a fiscal year under this section on the basis of—

(1) the seriousness of the harmful, nonnative weed problem or potential problem in the State, or a portion of the State;

(2) the extent to which the Federal funds will be used to leverage non-Federal funds to address the harmful, nonnative weed problems in the State;

(3) the extent to which the State has made progress in addressing harmful, nonnative weed problems in the State;

(4) the extent to which weed management entities in a State are eligible for base payments under section 7; and

(5) other factors recommended by the Advisory Committee and approved by the Secretary.

SEC. 7. USE OF FUNDS ALLOCATED TO STATES.

(a) IN GENERAL.—A State that receives an allocation of funds under section 6 for a fiscal year shall use—

(1) not more than 25 percent of the allocation to make a base payment to each weed management entity in accordance with subsection (b); and

(2) not less than 75 percent of the allocation to make financial awards to weed management entities in accordance with subsection (c).

(b) BASE PAYMENTS.—

(1) USE BY WEED MANAGEMENT ENTITIES.—

(A) IN GENERAL.—Base payments under subsection (a)(1) shall be used by weed management entities—

(i) to pay the Federal share of the cost of carrying out projects described in subsection (d) that are selected by the State in accordance with subsection (d); or

(ii) for any other purpose relating to the activities of the weed management entities, subject to guidelines established by the State.

(B) FEDERAL SHARE.—Under subparagraph (A), the Federal share of the cost of carrying out a project described in subsection (d) shall not exceed 50 percent.

(2) ELIGIBILITY OF WEED MANAGEMENT ENTITIES.—To be eligible to obtain a base payment under paragraph (1) for a fiscal year, a weed management entity in a State shall—

(A) be established by local stakeholders—

(i) to control or eradicate harmful, nonnative weeds on public or private land; or

(ii) to increase public knowledge and education concerning the need to control or eradicate harmful, nonnative weeds on public or private land;

(B)(i) for the first fiscal year for which the entity receives a base payment, provide to the State a description of—

(I) the purposes for which the entity was established; and

(II) any projects carried out to accomplish those purposes; and

(ii) for any subsequent fiscal year for which the entity receives a base payment, provide to the State—

(I) a description of the activities carried out by the entity in the previous fiscal year—

(aa) to control or eradicate harmful, nonnative weeds on public or private land; or

(bb) to increase public knowledge and education concerning the need to control or eradicate harmful, nonnative weeds on public or private land; and

(II) the results of each such activity; and

(C) meet such additional eligibility requirements, and conform to such process for determining eligibility, as the State may establish.

(c) FINANCIAL AWARDS.—

(1) USE BY WEED MANAGEMENT ENTITIES.—

(A) IN GENERAL.—Financial awards under subsection (a)(2) shall be used by weed management entities to pay the Federal share of the cost of carrying out projects described in subsection (d) that are selected by the State in accordance with subsection (d).

(B) FEDERAL SHARE.—Under subparagraph (A), the Federal share of the cost of carrying out a project described in subsection (d) shall not exceed 50 percent.

(2) ELIGIBILITY OF WEED MANAGEMENT ENTITIES.—To be eligible to obtain a financial award under paragraph (1) for a fiscal year, a weed management entity in a State shall—

(A) meet the requirements for eligibility for a base payment under subsection (b)(2); and

(B) submit to the State a description of the project for which the financial award is sought.

(d) PROJECTS.—

(1) IN GENERAL.—An eligible weed management entity may use a base payment or financial award received under this section to carry out a project relating to the control or eradication of harmful, nonnative weeds on public or private land, including—

(A) education, inventories and mapping, management, monitoring, and similar activities, including the payment of the cost of personnel and equipment; and

(B) innovative projects, with results that are disseminated to the public.

(2) SELECTION OF PROJECTS.—A State shall select projects for funding under this section on a competitive basis, taking into consideration (with equal consideration given to economic and natural values)—

(A) the seriousness of the harmful, nonnative weed problem or potential problem addressed by the project;

(B) the likelihood that the project will prevent or resolve the problem, or increase knowledge about resolving similar problems in the future;

(C) the extent to which the payment will leverage non-Federal funds to address the harmful, nonnative weed problem addressed by the project;

(D) the extent to which the entity has made progress in addressing harmful, nonnative weed problems;

(E) the extent to which the project will provide a comprehensive approach to the control or eradication of harmful, nonnative weeds;

(F) the extent to which the project will reduce the total population of a harmful, nonnative weed within the State; and

(G) other factors that the State determines to be relevant.

(3) SCOPE OF PROJECTS.—

(A) IN GENERAL.—A weed management entity shall determine the geographic scope of the harmful, nonnative weed problem to be addressed through a project using a base payment or financial award received under this section.

(B) MULTIPLE STATES.—A weed management entity may use the base payment or financial award to carry out a project to address the harmful, nonnative weed problem of more than 1 State if the entity meets the requirements of applicable State laws.

(4) LAND.—A weed management entity may use a base payment or financial award received under this section to carry out a project to control or eradicate weeds on any public or private land with the approval of the owner or operator of the land, other than land that is devoted to the cultivation of row crops, fruits, or vegetables.

(5) PROHIBITION ON PROJECTS TO CONTROL AQUATIC NOXIOUS WEEDS OR ANIMAL PESTS.—A base payment or financial award under this section may not be used to carry out a project to control or eradicate aquatic noxious weeds or animal pests.

(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available under section 8 for a fiscal year may be used by the States or the Federal Government to pay the administrative costs of the program established by this Act, including the costs of complying with Federal environmental laws.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. DASCHLE. Mr. President, today I am introducing with Senator LARRY CRAIG the Harmful Non-native Weed Control Act of 2000. This legislation will provide critically needed resources to local agencies to reduce the spread of harmful weeds that are destroying the productivity of farmland and reducing ecological diversity.

In the last few years, public and private lands in the west have seen a startling increase in the spread of harmful, non-native weeds. In South Dakota, these weeds choke out native species, destroy good grazing land, and cost farmers and ranchers thousands of dollars a year to control. On public lands in South Dakota and throughout the West, the spread of the weeds has outpaced the ability of land managers to control them, threatening species diversity and, at times, spreading on to private land.

This problem has become so severe that the White House has created an Invasive Species Council to address it. As Secretary Bruce Babbitt noted, ''The blending of the natural world into one great monoculture of the most aggressive species is, I think, a blow to the spirit and beauty of the natural world.''

Despite these efforts, the scale of this problem is vast. Some estimate that it could cost well into the hundreds of millions of dollars to control effectively the spread of these weeds. This legislation will help to meet that need by putting funding directly into the hands of the local weed boards and managers who already are working to control this problem and whose lands are directly affected.

Specifically, this legislation authorizes new weed control funding and establishes an Advisory Board in the Department of Interior to identify the areas of greatest need for the distribution of those funds. States, in turn, will transfer up to 25 percent of it directly to local weed control boards in order to support ongoing activities and spur the creation of new weed control boards, where necessary. The remaining 75 percent of funds will be made available to weed control boards on a competitive basis to fund weed control projects.

I would like to thank Senator CRAIG for his work on this issue, and to thank the National Cattlemen's Association and the Nature Conservancy, who have been instrumental to the development of this bill. Now that this legislation has been introduced, it is my hope that we can work with all interested stakeholders to enact it as soon as possible. I look forward to working with my colleagues during this process.

By Mr. HARKIN:

S. 3223. A bill to amend the Food Security Act of 1985 to establish the conservation security program; to the Committee on Agriculture, Nutrition, and Forestry.

THE CONSERVATION SECURITY ACT OF 2000

Mr. HARKIN. Mr. President, today, I am reintroducing the Conservation Security Act of 2000, a bill which represents a fresh new approach to the future of farm policy.

America's farmers and ranchers hold the key for production of a bountiful, safe, and nourishing food supply for Americans and for the population around the globe, as well as for the future for our environment. Farmers and ranchers have a long history to build on.

Specifically on the issue of conservation, it became a national priority in the days of the Dust Bowl, leading to the creation in the 1930s of the Soil Conservation Service at the Department of Agriculture, which is now the Natural Resources Conservation Service. With the very foundation of our food supply at risk, the Government stepped forward with billions of dollars in assistance to help farmers preserve their precious soils.

Since that time, Federal spending on conservation has steadily declined in inflation adjusted dollars. Yet today agriculture faces a wide range of environmental challenges, from overgrazing and manure management to cropland runoff and water quality impairment. Urban and rural citizens alike are increasingly concerned about the environmental impacts of agriculture.

Farmers and ranchers pride themselves on being good stewards of the land, and there are farm-based solutions to these problems being implemented all over the country. But every dollar spent on constructing a filter strip or developing a nutrient management plan is a dollar that farmers don't have for other purposes in hard times like these. And even in better times, there is a lot of competition for that dollar.

So who benefits from conservation on farm lands? As much or more than the farmer, it is all of us, who depend on the careful stewardship of our air, water, soil and our other natural resources. Farmers and ranchers tend not only to their crops and animals, but also to our nation's natural resources. They are the real stewards for future generations.

Since we all share in these benefits, it is only right that we share in conserving them. It is time to enter into a true conservation partnership with our farmers and ranchers to help ensure that conservation is an integral and permanent part of agricultural production nationwide.

In the 1985 farm bill, we required that farmers who wanted to participate in USDA farm programs develop soil conservation plans for their highly erodible land. This provision helped put new conservation plans in place for our most fragile farmlands. In the most recent farm bill, we streamlined conservation programs and established new cost-share and incentive payments for certain practices.

The Conservation Security Act of 2000, which establishes the Conservation Security Program, builds on our past successes and takes a bold step forward in farm and conservation policy.

My bill would establish a universal and voluntary incentive payment program to support and encourage conservation activities by farmers and ranchers. Under this program, farmers and ranchers could receive up to $50,000 per year in conservation payments through entering into 5 to 10-year contracts with USDA and choose from one of three tiers of conservation practices. Payments are based on the number and types of practices they maintain or adopt on their working lands. It is not a set-aside or easement program.

For implementing a basic set of practices, farmers would receive an annual payment of up to $20,000, as well as an advance payment of the greater of $1,000 or 20% of the annual payment. This basic category, Tier I, would include such practices as nutrient management, soil conservation, and wildlife habitat management.

To receive up to $35,000 and an advance payment of the greater of $2,000 or 20% of the annual payment, farmers would add to their Class I practices by choosing a minimum number of Class II practices—including such practices as controlled rotational grazing, partial field practices like buffers strips and windbreaks, wetland restoration and wildlife habitat enhancement.

Farmers who adopt comprehensive Tier III conservation practices on their whole farm—under a plan that addresses all aspects of air, land, water and wildlife—would receive up to $50,000 plus an advance payment of the greater of $3,000 or 20% of the annual payment.

Again, I emphasize, the Conservation Security Program would be totally voluntary. It would be up to the farmer or rancher to decide if they want to do it. If they do, then they would get additional payments. A lot of these practices farmers are already doing now, for which they receive little or no support. My legislation changes that by rewarding those farmers and ranchers who have already implemented these practices through payments to maintain them.

Again, these practices don't just benefit the farmer or rancher. The beneficiaries are all of us. We all will benefit from cleaner air, cleaner streams and rivers, saving soil, protecting our groundwater, and wildlife habitats.

Our private lands are a national resource, and conservation on farm and ranchlands provides environmental benefits that are just as important as the production of abundant and safe food. I am introducing the Conservation Security Act because I believe it will help secure both the economic future of our farmers by helping them obtain better income and as a cornerstone of our national farm policy and the environmental future of agriculture.

Mr. BINGAMAN (by request):

S. 3224. A bill to authorize the Secretary of the Interior to conduct studies of specific areas for potential inclusion in the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL PARK AREA STUDIES

Mr. BINGAMAN. Mr. President, I am introducing legislation today to authorize the Secretary of the Interior to undertake studies of several areas to determine whether these areas merit potential designation as units of the National Park System. I am introducing this legislation at the request of the Administration. I ask unanimous consent that a letter from Donald J. Barry, Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting the proposed legislation, be printed in the RECORD. I also ask unanimous consent that the text of the bill be printed in the RECORD.

S. 3224

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Park Service Studies Act of 2000''.

SEC. 2. AUTHORIZATION OF STUDIES.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall conduct studies of the geographical areas and historic and cultural themes listed in subsection (c) to determine the appropriateness of including such areas or themes in the National Park System.

(b) CRITERIA.—In conducting the studies authorized by this Act, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in accordance with section 8 of Public Law 91–383, as amended by section 303 of the National Park System New Areas Study Act (Public Law 105–391; 112 Stat. 3501).

(c) STUDY AREAS.—The Secretary shall conduct studies of the following:

(1) Erskine House/Russian American Storehouse, Alaska;

(2) Blackwater Canyon, West Virginia;

(3) Farm Labor Movement Sites, California and other States;

(4) Carter G. Woodson Home, District of Columbia;

(5) Governors Island, New York; and

(6) World War II Homefront Sites, Multi-State.

SEC. 3. REPORTS.

The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report on the findings, conclusions, and recommendations of each study under section 2 within three fiscal years following the date on which funds are first made available for each study.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, March 22, 2000.

Hon. AL GORE Jr.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill, ''To authorize the Secretary of the Interior to conduct studies of specific areas for potential inclusion in the National Park System, and for other purposes.''

We recommend that the bill be introduced, referred to the appropriate committee, and enacted.

The bill authorizes studies of six specific areas and cultural themes for potential inclusion in the National Park System. The legislation provides for the Secretary to follow criteria for such studies in existing law, and to submit reports on each study to the appropriate congressional committees within three years after funds for the study are made available. The areas and themes that are the subject of these special resource studies (also called new area studies) are described on the attached page.

A letter listing these six studies has been transmitted to the Senate Energy and Natural Resources Committee and the House Resources Committee, pursuant to the requirement of the National Parks Omnibus Management Act of 1998 (P.L. 105–391) that the Secretary submit a list of areas recommended for study for potential inclusion in the National Park System to those committees at the beginning of each calendar year with the President's budget.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of the enclosed draft legislation to the Congress.

Sincerely,

DONALD J. BARRY,
Assistant Secretary for Fish and Wildlife and Parks.

By Mr. SANTORUM:

S. 3225. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Finance.

COSMETOLOGY TAX FAIRNESS AND COMPLIANCE ACT OF 2000

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

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

S. 3225

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cosmetology Tax Fairness and Compliance Act of 2000''.

SEC. 2. EXPANSION OF CREDIT FOR PORTION OF SOCIAL SECURITY TAXES PAID WITH RESPECT TO EMPLOYEE TIPS.

(a) EXPANSION OF CREDIT TO OTHER LINES OF BUSINESS.—Paragraph (2) of section 45B(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) APPLICATION ONLY TO CERTAIN LINES OF BUSINESS.—In applying paragraph (1), there shall be taken into account only tips received from customers or clients in connection with—

''(A) the providing, delivering, or serving of food or beverages for consumption if the tipping of employees delivering or serving food or beverages by customers is customary, or

''(B) the providing of any cosmetology service for customers or clients at a facility licensed to provide such service if the tipping of employees providing such service is customary.''.

(b) DEFINITION OF COSMETOLOGY SERVICES.—Section 45B of such Code is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

''(c) COSMETOLOGY SERVICE.—For purposes of this section, the term 'cosmetology service' means—

''(1) hairdressing,

''(2) haircutting,

''(3) manicures and pedicures,

''(4) body waxing, facials, mud packs, wraps and other similar skin treatments, and

''(5) any other beauty related service provided at a facility at which a majority of the services provided (as determined on the basis of gross revenue) are described in paragraphs (1) through (4).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxes paid after December 31, 2000.

SEC. 3. INFORMATION REPORTING BY PROVIDERS OF COSMETOLOGY SERVICES.

(a) IN GENERAL.—Chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after section 6050S the following new section:

''SEC. 6050T. RETURNS RELATING TO COSMETOLOGY SERVICES AND INFORMATION TO BE PROVIDED TO COSMETOLOGISTS.

''(a) IN GENERAL.—Every person who leases space to any individual for use by the individual in providing cosmetology services (as defined in section 45B(c)) on more than 5 calendar days during a calendar year shall make a return, according to the forms or regulations prescribed by the Secretary, setting forth the name, address, and TIN of each such lessee.

''(b) STATEMENT TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth on such return a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return, and

''(2) a statement informing the recipient that (as required by this section), the provider of the notice has advised the Internal Revenue Service that the recipient provided cosmetology services during the calendar year to which the statement relates.

''(c) ADDITIONAL INFORMATION TO BE PROVIDED TO SERVICE PROVIDER.—A person who provides a statement pursuant to subsection (b) to an individual who provides cosmetology services shall include with the statement a publication of the Secretary, as designated by the Secretary, describing the tax obligations of independent contractors unless the publication was previously provided to the individual by the statement provider.

''(d) METHOD AND TIME FOR PROVIDING STATEMENT AND ADDITIONAL INFORMATION.—The written statement required by subsection (b) and the additional information, if any, required to be furnished under subsection (c) shall be furnished (either in person or in a statement mailed by first-class mail which includes adequate notice that the statement is enclosed) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) is to be made. Such statement shall be in such form as the Secretary may prescribe by regulations.

''(e) LEASE.—For purposes of this section, the term 'lease' include booth rentals and any other arrangements pursuant to which

an individual provides cosmetology services, other than as an employee, on premises not owned by the service provider.

''(f) EXCEPTION FOR SERVICES PROVIDED BY PROPRIETORSHIPS WITH EMPLOYEES.—This section shall not apply to leases of premises with at least 3 work stations for providing cosmetology services.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6724(d)(1)(B) of such Code (relating to the definition of information returns) is amended—

(A) by striking ''or'' at the end of clause (xiv),

(B) by adding a comma at the end of clause (xv),

(C) by striking ''; or'' at the end of clause (xvi) and inserting a comma,

(D) by striking the period at the end of clause (xvii) and inserting '', or'', and

(E) by inserting after clause (xvii) the following new clause:

''(xviii) section 6050T (relating to returns by cosmetology service providers).''.

(2) Section 6724(d)(2) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or'' at the end of subparagraph (Z) and inserting a comma,

(B) by striking the period at the end of subparagraph (AA) and inserting '', or'', and

(C) by inserting after subparagraph (AA) the following new subparagraph:

''(BB) section 6050T(c) (relating to statements from cosmetology service providers) even if the recipient is not a payee.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2000.

ADDITIONAL COSPONSORS

S. 341

At the request of Mr. CRAIG, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 341, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes.

S. 835

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S . 835, a bill to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1915

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1915, a bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations.

S. 2887

At the request of Mr. GRASSLEY, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of 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.

S. 2938

At the request of Mr. BROWNBACK, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Arizona (Mr. KYL), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 2940

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 2940, a bill to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance act of 1961 with respect to malaria, HIV, and tuberculosis.

S. 3007

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 3007, a bill to provide for measures in response to a unilateral declaration of the existence of a Palestinian state.

S. 3078

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3078, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Fe Regional Water Management and River Restoration Project.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 3106

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3106, a bill to amend title XVIII of the Social Security Act to clarify the definition of homebound under the medicare home health benefit.

S. 3116

At the request of Mr. BREAUX, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3116, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. 3127

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3127, a bill to protect infants who are born alive

S. 3157

At the request of Mr. HUTCHINSON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3157, a bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU–486.

S. 3181

At the request of Mr. HAGEL, the names of the Senator from Nebraska (Mr. KERREY), the Senator from Illinois (Mr. DURBIN), the Senator from Virginia (Mr. ROBB), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

S. 3211

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 3211, a bill to authorize the Secretary of Education to provide grants to develop technologies to eliminate functional barriers to full independence for individuals with disabilities, and for other purposes.

S.RES. 292

At the request of Mr. GORTON, his name was added as a cosponsor of S.Res. 292, a resolution recognizing the 20th century as the ''Century of Women in the United States''.

AMENDMENT NO. 4301

At the request of Mr. JEFFORDS, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Connecticut (Mr. DODD), the Senator from Wyoming (Mr. ENZI), the Senator from Iowa (Mr. HARKIN), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Nebraska (Mr. HAGEL), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of Amendment No. 4301 intended to be proposed to H.R. 1102, a bill to provide for pension reform, and for other purposes.

AMENDMENT NO. 4303

At the request of Mr. ALLARD, his name was added as a cosponsor of amendment No. 4303 proposed to S. 2508, a bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

SENATE CONCURRENT RESOLUTION 153—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE PARLIAMENTARY ELECTIONS HELD IN BELARUS ON OCTOBER 15, 2000, AND FOR OTHER PURPOSES

Mr. DURBIN (for himself, Mr. CAMPBELL, and Mr. HELMS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 153

Whereas on October 15, 2000, Aleksandr Lukashenko and his authoritarian regime

conducted an illegitimate and undemocratic parliamentary election in an effort to further strengthen the power and control his authoritarian regime exercises over the people of the Republic of Belarus;

Whereas during the time preceding this election the regime of Aleksandr Lukashenko attempted to intimidate the democratic opposition by beating, harassing, arresting, and sentencing its members for supporting a boycott of the October 15 election even though Belarus does not contain a legal ban on efforts to boycott elections;

Whereas the democratic opposition in Belarus was denied fair and equal access to state-controlled television and radio and was instead slandered by the state-controlled media;

Whereas on September 13, 2000, Belarusian police seized 100,000 copies of a special edition of the Belarusian Free Trade Union newspaper, Rabochy, dedicated to the democratic opposition's efforts to promote a boycott of the October 15 election;

Whereas Aleksandr Lukashenko and his regime denied the democratic opposition in Belarus seats on the Central Election Commission, thereby violating his own pledge to provide the democratic opposition a role in this Commission;

Whereas Aleksandr Lukashenko and his regime denied the vast majority of independent candidates opposed to his regime the right to register as candidates in this election;

Whereas Aleksandr Lukashenko and his regime dismissed recommendations presented by the Organization for Security and Cooperation in Europe (OSCE) for making the election law in Belarus consistent with OSCE standards;

Whereas in Grodno, police loyal to Aleksandr Lukashenko summoned voters to participate in this illegitimate election for parliament;

Whereas the last genuinely free and fair parliamentary election in Belarus took place in 1995 and from it emerged the 13th Supreme Soviet whose democratically and constitutionally derived authorities and powers have been undercut by the authoritarian regime of Aleksandr Lukashenko; and

Whereas on October 11, the Lukashenko regime froze the bank accounts and seized the equipment of the independent publishing company, Magic, where most of the independent newspapers in Minsk are published: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS ON BELARUS PARLIAMENTARY ELECTIONS.

Congress hereby—

(1) declares that—

(A) the period preceding the elections held in Belarus held on October 15, 2000, was plagued by continued human rights abuses and a climate of fear for which the regime of Aleksandr Lukashenko is responsible;

(B) these elections were conducted in the absence of a democratic electoral law;

(C) the Lukashenko regime purposely denied the democratic opposition access to state-controlled media; and

(D) these elections were for seats in a parliament that lacks real constitutional power and democratic legitimacy;

(2) declares its support for the Belarus' democratic opposition, commends the efforts of the opposition to boycott these illegitimate parliamentary elections, and expresses the hopes of Congress that the citizens of Belarus will soon benefit from true freedom and democracy;

(3) reaffirms its recognition of the 13th Supreme Soviet as the sole and democratically and constitutionally legitimate legislative body of Belarus; and

(4) notes that, as the legitimate parliament of Belarus, the 13th Supreme Soviet should continue to represent Belarus in the Parliamentary Assembly of the Organization for Security and Cooperation in Europe.

SEC. 2. SENSE OF CONGRESS ON DISAPPEARANCES OF INDIVIDUALS AND POLITICAL DETENTIONS IN BELARUS.

It is the sense of Congress that the President should call upon Aleksandr Lukashenko and his regime to—

(1) provide a full accounting of the disappearances of individuals in that country, including the disappearance of Viktor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky; and

(2) release Vladimir Kudinov, Andrei Klimov, and all others imprisoned in Belarus for their political views.

SEC. 3. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President.

SENATE RESOLUTION 380—APPROVING THE PLACEMENT OF TWO PAINTINGS IN THE SENATE RECEPTION ROOM

Mr. LOTT (for himself, and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 380

Whereas Senate Resolution 241, 106th Congress, directed the Senate Commission on Art to select 2 outstanding individuals whose paintings shall be placed in 2 of the remaining unfilled spaces in the Senate reception room, upon approval by the Senate; and

Whereas, in accordance with the provisions of Senate Resolution 241, the Commission has selected Senator Arthur H. Vandenberg and Senator Robert F. Wagner, and recommends such names to the Senate: Now, therefore, be it

Resolved, That the Senate Commission on Art (referred to in this resolution as the ''Commission'') shall procure appropriate paintings of Senator Arthur H. Vandenberg and Senator Robert F. Wagner and place such paintings in the 2 unfilled spaces on the south wall of the Senate reception room.

SEC. 2. (a) The paintings shall be rendered in oil on canvas and shall be consistent in style and manner with the paintings of Senators Clay, Calhoun, Webster, LaFollette, and Taft now displayed in the Senate reception room.

(b) The paintings may be procured through purchase, acceptance as a gift of appropriate existing paintings, or through the execution of appropriate paintings by a qualified artist or artists to be selected and contracted by the Commission.

SEC. 3. The expenses of the Commission in carrying out this resolution shall be paid out of the contingent fund of the Senate on vouchers signed by the Secretary of the Senate and approved by the Committee on Rules and Administration.

AMENDMENTS SUBMITTED

SUGAR TARIFF LEGISLATION

BREAUX AMENDMENT NO. 4325

(Ordered referred to the Committee on Finance.)

Mr. BREAUX submitted an amendment intended to be proposed by him to the bill (S. 3116) to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas; as follows:

At the appropriate place, insert the following:

SEC. ___. PREVENTION OF CIRCUMVENTION OF SUGAR TARIFF-RATE QUOTAS.

(a) ANTICIRCUMVENTION.—

(1) AMENDMENT TO ADDITIONAL UNITED STATES NOTES.—Additional United States Note 5(a)(i) of chapter 17 of the Harmonized Tariff Schedule of the United States is amended—

(A) in the first sentence, by striking ''and 2106.90.44,'' and inserting ''1702.90.40, and 2106.90.44, and any other article (other than an article classified under subheading 1701.11 or 1701.12) that is entered, or withdrawn from warehouse for consumption, if the article is subsequently used for the commercial extraction or production of sugar for human consumption, or the article is otherwise used in any manner that circumvents any quota imposed pursuant to the notes to this chapter,''; and

(B) in the second sentence, by striking ''and molasses'' and inserting '', molasses, and other articles,''.

(2) RATE OF DUTY.—The rate of duty in effect under subheading 1701.99.10 or 1701.99.50 of the Harmonized Tariff Schedule of the United States, on the date of entry of articles described in the applicable subheading shall apply to any article which the Secretary of the Treasury determines is circumventing the tariff-rate quota relating to articles described in the applicable subheading.

(3) ANIMAL FEED.—Notwithstanding any other provision of law, no tariff-rate quota may be imposed under Additional United States Note 5(a)(i) of chapter 17 of the Harmonized Tariff Schedule, on molasses that is used for animal consumption in the United States.

(b) CONFORMING AMENDMENT.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 1702.90.40 and inserting in numerical sequence the following new subheadings:

''	1702.90.40	Described in additional United States note 5 to this chapter and entered pursuant to its provisions	3.6606¢/kg less 0.020668¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 3.143854¢/kg	Free (A*, CA, E*, IL, J, MX)	6.58170¢/kg less 0.0622005¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 5.031562¢/kg

1702.90.45	Other	35.74¢/kg	28.247¢/kg less 0.4¢/kg for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 18.256¢/kg (MX)	42.05¢/kg	''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

COLORADO UTE SETTLEMENT ACT AMENDMENTS OF 2000

FEINGOLD AMENDMENT NO. 4326

Mr. FEINGOLD proposed an amendment to amendment No. 4303 proposed by Mr. CAMPBELL the bill (S. 2508) to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes; as follows:

On page 10 of the amendment, line 11, insert '', to restrict the availability or scope of judicial review, or to in any way affect the outcome of judicial review of any decision based on such analysis'' before the period.

On page 10 of the amendment, strike lines 12 through 23 and insert the following:

''(C) LIMITATION.—No facilities of the Animas-La Plata Project, as authorized under the Act of April 11, 1956 (43 U.S.C. 620) (commonly referred to as the 'Colorado River Storage Act'), other than those specifically authorized in subparagraph (A), are authorized after the date of enactment of this Act.''

On page 11 of the amendment, beginning on line 21, strike ''Such repayment'' and all that follows through ''.).'' on line 24.

On page 12 of the amendment, line 9, insert after the period the following: ''Fish and wildlife mitigation costs associated with the facilities described in paragraph (1)(A)(i) shall be reimbursable joint costs of the Animas-La Plata Project. Recreation costs shall be 100 percent reimbursable by non-tribal users.''.

On page 13 of the amendment, beginning on line 2, strike ''Additional'' and all that follows through line 6.

STRATEGIC PETROLEUM RESERVE REAUTHORIZATION

MURKOWSKI (AND BINGAMAN) AMENDMENT NO. 4327

Mr. SESSIONS (for Mr. MURKOWSKI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill (H.R. 2884) to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the Energy Act of 2000.

TITLE I

STRATEGIC PETROLEUM RESERVE

SEC. 101. SHORT TITLE.

This title may be cited as the ''Energy Policy and Conservation Act Amendments of 2000''.

SECTION. 102.

Section 2 of the Energy Policy and Conservation Act (42 U.S.C. 6201) is amended—

(a) in paragraph (1) by striking ''standby'' and '', subject to congressional review, to impose rationing, to reduce demand for energy through the implementation of energy conservation plans, and''; and

(b) by striking paragraphs (3) and (6).

SECTION. 103.

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

(a) by striking section 102 (42 U.S.C. 6211) and its heading;

(b) by striking section 104(b)(1);

(c) by striking section 106 (42 U.S.C. 6214) and its heading;

(d) by amending section 151(b) (42 U.S.C. 6231) to read as follows:

''(b) It is the policy of the United States to provide for the creation of a Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products to reduce the impact of disruptions in supplies of petroleum products, to carry out obligations of the United States under the international energy program, and for other purposes as provided for in this Act.'';

(e) in section 152 (42 U.S.C. 6232)—

(1) by striking paragraphs (1), (3) and (7), and

(2) in paragraph (11) by striking ''; such term includes the Industrial Petroleum Reserve, the Early Storage Reserve, and the Regional Petroleum Reserve''.

(f) by striking section 153 (42 U.S.C. 623) and its heading;

(g) in section 154 (42 U.S.C. 6234)—

(1) by amending subsection (a) to read as follows:

''(a) A Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products shall be created pursuant to this part.'';

(2) by amending subsection (b) to read as follows:

''(b) The Secretary, in accordance with this part, shall exercise authority over the development, operation, and maintenance of the Reserve.''; and

(3) by striking subsections (c), (d), and (e);

(h) by striking section 155 (42 U.S.C. 6235) and its heading;

(i) by striking section 156 (42 U.S.C. 6236) and its heading;

(j) by striking section 157 (42 U.S.C. 6237) and its heading;

(k) by striking section 158 (42 U.S.C. 6238) and its heading;

(l) by amending the heading for section 159 (42 U.S.C. 6239) to read, ''Development, Operation, and Maintenance of the Reserve'';

(m) in section 159 (42 U.S.C. 6239)—

(1) by striking subsections (a), (b), (c), (d), and (e);

(2) by amending subsection (f) to read as follows:

''(f) In order to develop, operate, or maintain the Strategic Petroleum Reserve, the Secretary may:

''(1) issue rules, regulations, or orders;

''(2) acquire by purchase, condemnation, or otherwise, land or interests in land for the location of storage and related facilities;

''(3) construct, purchase, lease, or otherwise acquire storage and related facilities;

''(4) use, lease, maintain, sell or otherwise dispose of land or interests in land, or of storage and related facilities acquired under this part, under such terms and conditions as the Secretary considers necessary or appropriate;

''(5) acquire, subject to the provisions of section 160, by purchase, exchange, or otherwise, petroleum products for storage in the Strategic Petroleum Reserve;

''(6) store petroleum products in storage facilities owned and controlled by the United States or in storage facilities owned by others if those facilities are subject to audit by the United States;

''(7) execute any contracts necessary to develop, operate, or maintain the Strategic Petroleum Reserve;

''(8) bring an action, when the Secretary considers it necessary, in any court having jurisdiction over the proceedings, to acquired by condemnation any real or personal property, including facilities, temporary use of facilities, or other interests in land, together with any personal property located on or used with the land.''; and

(3) in subsection (g)—

(A) by striking ''implementation'' and inserting ''development''; and

(B) by striking ''Plan'';

(4) by striking subsections (h) and (i);

(5) by amending subsection (j) to read as follows:

''(j) If the Secretary determines expansion beyond 700,000,000 barrels of petroleum product inventory is appropriate, the Secretary shall submit a plan for expansion to the Congress.''; and

(6) by amending subsection (I) to read as follows:

''(I) During a drawdown and sale of Strategic Petroleum Reserve petroleum products, the Secretary may issue implementing rules, regulations, or orders in accordance with section 553 of title 5, United States Code, without regard to rulemaking requirements in section 523 of this Act, and section 501 of the Department of Energy Organizations Act (42 U.S.C. 7191).'';

(n) in section 160 (420 U.S.C. 6240)—

(1) in subsection (a), by striking all before the dash and inserting the following—

''(a) The Secretary may acquire, place in storage, transport, or exchange'';

(2) in subsection (a)(1) by striking all after ''Federal lands'';

(3) in subsection (b), by striking '', including the Early Storage Reserve and the Regional Petroleum Reserve'' and by striking paragraph (2); and

(4) by striking subsections (c), (d), (e), and (g);

(o) in section 161 (42 U.S.C. 6241)—

(1) by striking ''Distribution of the Reserve'' in the title of this section and inserting ''Sale of Petroleum Products'';

(2) in subsection (a), by striking ''drawdown and distribute'' and inserting ''draw down and sell petroleum products in'';

(3) by striking subsection (b), (c), and (f);

(4) by amending subsection (d)(1) to read as follows:

''(d)(1) Drawdown and sale of petroleum products from the Strategic Petroleum Reserve may not be made unless the President has found drawdown and sale are required by a severe energy supply interruption or by obligations of the United States under the international energy program.'';

(5) by amending subsection (e) to read as follows:

''(e)(1) The Secretary shall sell petroleum products withdrawn from the Strategic Petroleum Reserve at public sale to the highest qualified bidder in the amounts, for the period, and after a notice of sale considered appropriate by the Secretary, and without regard to Federal, State, or local regulations controlling sales of petroleum products.

''(2) The Secretary may cancel in whole or in part any offer to sell petroleum products as part of any drawdown and sale under this Section.''; and

(6) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

''(g)(1) The Secretary shall conduct a continuing evaluation of the drawdown and sales procedures. In the conduct of an evaluation, the Secretary is authorized to carry out a test drawdown and sale or exchange of petroleum products from the Reserve. Such a test drawdown and sale or exchange may not exceed 5,000,000 barrels of petroleum products.'';

(B) by striking paragraphs (2);

(C) in paragraph (4), by striking ''90'' and inserting ''95'';

(D) in paragraph (5), by striking ''drawdown and distribution'' and inserting ''test'';

(E) by amending paragraph (6) to read as follows:

''(6) In the case of a sale of any petroleum products under this subsection, the Secretary shall, to the extent funds are available in the SPR Petroleum Account as a result of such sale, acquire petroleum products for the Reserve within the 12-month period beginning after completion of the sale.''; and

(F) in paragraph (8), by striking ''drawdown and distribution'' and inserting ''test'';

(7) in subsection (h)—

(A) in paragraph (1) by striking ''distribute'' and inserting ''sell petroleum products from'';

(B) by deleting ''and'' at the end of paragraph (1)(A) and by deleting ''shortage,'' at the end of paragraph (1)(B) and inserting ''shortage; and

''(C) the Secretary of Defense has found that action taken under this subsection will not impair national security,'';

(C) in paragraph (2) by striking ''In no case may the Reserve'' and inserting ''Petroleum products from the Reserve may not''; and

(D) in paragraph (3) by striking ''distribution'' each time it appears and inserting ''sale'';

(p) by striking section 164 (42 U.S.C. 6244) and its heading;

(q) by amending section 165 (42 U.S.C. 6245) and its heading to read as follows—

''ANNUAL REPORT

''SEC. 165. The Secretary shall report annually to the President and the Congress on actions taken to implement this part. This report shall include—

''(1) the status of the physical capacity of the Reserve and the type and quantity of petroleum products in the Reserve;

''(2) an estimate of the schedule and cost to complete planned equipment upgrade or capital investment in the Reserve, including upgrades and investments carried out as part of operational maintenance or extension of life activities;

''(3) an identification of any life-limiting conditions or operational problems at any Reserve facility, and proposed remedial actions including an estimate of the schedule and cost of implementing those remedial actions;

''(4) a description of current withdrawal and distribution rates and capabilities, and an identification of any operational or other limitations on those rates and capabilities;

''(5) a listing of petroleum product acquisitions made in the preceding year and planned in the following year, including quantity, price, and type of petroleum;

''(6) a summary of the actions taken to develop, operate, and maintain the Reserve;

''(7) a summary of the financial status and financial transactions of the Strategic Petroleum Reserve and Strategic Petroleum Reserve Petroleum Accounts for the year.

''(8) a summary of expenses for the year, and the number of Federal and contractor employees;

''(9) the status of contracts for development, operation, maintenance, distribution, and other activities related to the implementation of this part;

''(10) a summary of foreign oil storage agreements and their implementation status;

''(11) any recommendations for supplemental legislation or policy or operational changes the Secretary considers necessary or appropriate to implement this part.'';

(r) in section 166 (42 U.S.C. 6246) by striking ''for fiscal year 1997.'';

(s) in section 167 (42 U.S.C. 6247)—

(1) in subsection (b)—

(A) by striking ''and the drawdown'' and inserting ''for test sales of petroleum products from the Reserve, and for the drawdown, sale,'';

(B) by striking paragraph (1); and

(C) in paragraph (2), by striking ''after fiscal year 1982''; and

(2) by striking subsection (e);

(t) in section 171 (42 U.S.C. 6249)—

(1) by amending subsection (b)(2)(B) to read as follows:

''(B) the Secretary notifies each House of the Congress of the determination and identifies in the notification the location, type, and ownership of storage and related facilities proposed to be included, or the volume, type, and ownership of petroleum products proposed to be stored, in the Reserve, and an estimate of the proposed benefits.'';

(2) in subsection (b)(3), by striking ''distribution of'' and inserting ''sale of petroleum products from'';

(u) in section 172 (42 U.S.C. 6249a), by striking subsections (a) and (b);

(v) by striking section 173 (42 U.S.C. 6249b) and its heading; and

(w) in section 181 (42 U.S.C. 6251), by striking ''March 31, 2000'' each time it appears and inserting ''September 30, 2003''.

SECTION. 104.

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

(a) by striking Part A (42 U.S.C. 6261 through 6264) and its heading;

(b) by adding at the end of section 256(h), ''There are authorized to be appropriated for fiscal years 2000 through 2003, such sums as may be necessary.''

(c) by striking Part C (42 U.S.C. 6281 through 6282) and its heading; and

(d) in section 281 (42 U.S.C. 6285), by striking ''March 31, 2000'' each time it appears and inserting ''September 30, 2003''.

SEC. 105. CLERICAL AMENDMENTS.

The Table of Contents for the Energy Policy and Conservation Act is amended—

(a) by striking the items relating to sections 102, 106, 153, 155, 156, 157, 158, and 164;

(b) by amending the item relating to section 159 to read as follows: ''Development, Operation, and Maintenance of the Reserve.'';

(c) by amending the item relating to section 161 to read as follows: ''Drawdown and Sale of Petroleum Products''; and

(d) by amending the item relating to section 165 to read as follows: ''Annual Report''.

TITLE II

HEATING OIL RESERVE

SEC. 201. NORTHEAST HOME HEATING OIL RESERVE.

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

(1) redesignating part D as part E;

(2) redesignating section 181 as section 191; and

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

"PART D—NORTHEAST HOME HEATING OIL RESERVE

''ESTABLISHMENT

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

''(b) For the purposes of this part—

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

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

''(3) the term 'Reserve' means the Northeast Home Heating Oil Reserve established under this part.

''AUTHORITY

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

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

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

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

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

''(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part, including to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

''CONDITIONS FOR RELEASE; PLAN

''SEC. 183. (a) FINDING.—The Secretary may sell product from the Reserve only upon a finding by the President that there is a severe energy supply interruption. Such a finding may be made only if he determines that—

''(1) a dislocation in the heating oil market has resulted from such interruption; or

''(2) a circumstance, other than that described in paragraph (1), exists that constitutes a regional supply shortage of significant scope and duration and that action taken under this section would assist directly and significantly in reducing the adverse impact of such shortage.

''(b) DEFINITION.—For purposes of this section a 'dislocation in the heating oil market' shall be deemed to occur only when—

''(1) The price differential between crude oil, as reflected in an industry daily publication such as 'Platt's Oilgram Price Report'

or 'Oil Daily' and No. 2 heating oil, as reported in the Energy Information Administration's retail price data for the Northeast, increases by more tan 60% over its five year rolling average for the months of mid-October through March, and continues for 7 consecutive days; and

''(2) The price differential continues to increase during the most recent week for which price information is available.

''(c) The Secretary shall conduct a continuing evaluation of the residential price data supplied by the Energy Information Administration for the Northeast and data on crude oil prices from published sources.

''(d) After consultation with the heating oil industry, the Secretary shall determine procedures governing the release of petroleum distillate from the Reserve. The procedures shall provide that:

''(1) The Secretary may—

''(A) sell petroleum distillate from the Reserve through a competitive process, or

''(B) enter into exchange agreements for the petroleum distillate that results in the Secretary receiving a greater volume of petroleum distillate as repayment than the volume provided to the acquirer;

''(2) In such sales or exchanges, the Secretary shall receive revenue or its equivalent in petroleum distillate that provides the Department with fair market value. At no time may the oil be sold or exchanged resulting in a loss of revenue or value to the United States; and

''(3) The Secretary shall only sell or dispose of the oil in the Reserve to entities customarily engaged in the sale and distribution of petroleum distillate.

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

''(1) the acquisition of storage and related facilities or storage services for the Reserve, including the potential use of storage facilities not currently in use;

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

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

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

''(5) efforts the Department will take to minimize any potential need for future drawdowns and ensure that distributors and importers are not discouraged from maintaining and increasing supplies to the Northeast; and

''(6) actions to ensure quality of the petroleum distillate in the Reserve.

''NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

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

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

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

''EXEMPTIONS

''SEC. 185. An action taken under this part is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 186. There are authorized to be appropriated for fiscal years 2001, 2002, and 2003 such sums as may be necessary to implement this part.''.

SEC. 202. USE OF ENERGY FUTURES FOR FUEL PURCHASES.

(a) HEATING OIL STUDY.—The Secretary shall conduct a study on—

(1) the use of energy futures and options contracts to provide cost-effective protection from sudden surges in the price of heating oil (including number two fuel oil, propane, and kerosine) for state and local government agencies, consumer cooperatives, and other organizations that purchase heating oil in bulk to market to end use consumers in the Northeast (as defined in section 201); and

(2) how to most effectively inform organizations identified in paragraph (1) about the benefits and risks of using energy futures and options contracts.

(b) REPORT.—The Secretary shall transmit the study required in this section to the Committee on Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the enactment of this section. The report shall contain a review of prior studies conducted on the subjects described in subsection (a).

MARGINAL WELL PURCHASES

SEC. 301. PURCHASE OF OIL FROM MARGINAL WELLS.

(a) PURCHASE OF OIL FROM MARGINAL WELLS.—Part B of Title I of the Energy Policy and Conservation Act (42 U.S.C. 6232 et seq.) is amended by adding the following new section after section 168:

''PURCHASE OF OIL FROM MARGINAL WELLS

''SEC. 169. (a) IN GENERAL.—From amounts authorized under section 166, in any case in which the price of oil decreases to an amount less than $15.00 per barrel (an amount equal to the annual average well head price per barrel for all domestic crude oil), adjusted for inflation, the Secretary may purchase oil from a marginal well at $15.00 per barrel, adjusted for inflation.

''(b) DEFINITION OF MARGINAL WELL.—The term 'marginal well' has the same meaning as the definition of 'stripper well property' in section 613A(c)(6)(E) of the Internal Revenue Code (26 U.S.C. 613A(c)(6)(E)).''.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 168 the following:

''Sec. 169. Purchase of oil from marginal wells.''.

TITLE IV

FEDERAL ENERGY MANAGEMENT

SEC. 401. FEMP.

Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)(iii) is amended by striking ''$750,000'' and inserting ''$10,000,000''.

TITLE V

ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS

SEC. 501. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

''SEC. 32. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

''(a) DISCONTINUANCE OF REGULATION BY THE COMMISSION.—Notwithstanding sections 4(e) and 23(b), the Commission shall discontinue exercising licensing and regulatory authority under this Part over qualifying project works in the State of Alaska, effective on the date on which the Commission certifies that the State of Alaska has in place a regulatory program for water-power development that—

''(1) protects the public interest, the purposes listed in paragraph (2), and the environment to the same extent provided by licensing and regulation by the Commission under this Part and other applicable Federal laws, including the Endangered Species Act (16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

''(2) gives equal consideration to the purposes of—

''(A) energy conservation;

''(B) the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat);

''(C) the protection of recreational opportunities,

''(D) the preservation of other aspects of environmental quality,

''(E) the interests of Alaska Natives, and

''(F) other beneficial public uses, including irrigation, flood control, water supply, and navigation; and

''(3) requires, as a condition of a license for any project works—

''(A) the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of the Department in which the Coast Guard is operating, and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate;

''(B) the operation of any navigation facilities which may be constructed as part of any project to be controlled at all times by such reasonable rules and regulations as may be made by the Secretary of the Army; and

''(C) conditions for the protection, mitigation, and enhancement of fish and wildlife based on recommendations received pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) from the National Marine Fisheries Service, the United States Fish and Wildlife Service, and State fish and wildlife agencies.

''(b) DEFINITION OF 'QUALIFYING PROJECT WORKS'.—For purposes of this section, the term 'qualifying project works' means project works—

''(1) that are not part of a project licensed under this Part or exempted from licensing under this Part or section 405 of the Public Utility Regulatory Policies Act of 1978 prior to the date of enactment of this section;

''(2) for which a preliminary permit, a license application, or an application for an exemption from licensing has not been accepted for filing by the Commission prior to the date of enactment of subsection (c) unless such application is withdrawn at the election of the applicant);

''(3) that are part of a project that has a power production capacity of 5,000 kilowatts or less;

''(4) that are located entirely within the boundaries of the State of Alaska; and

''(5) that are not located in whole or in part on any Indian reservation, a conservation system unit (as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4))), or segment of a river designated for study for addition to the Wild and Scenic Rivers System.

''(c) ELECTION OF STATE LICENSING.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the enactment of this section,

the licensee of such project may in its discretion elect to make the project subject to licensing and regulation by the State of Alaska under this system.

''(d) PROJECT WORKS ON FEDERAL LANDS.—With respect to projects located in whole or in part on a reservation, a conservation system unit, or the public lands, a State licences or exemption from licensing shall be subject to—

''(1) the approval of the Secretary having jurisdiction over such lands; and

''(2) such conditions as the Secretary may prescribe.

''(e) CONSULTATION WITH AFFECTED AGENCIES.—The Commission shall consult with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce before certifying the State of Alaska's regulatory program.

''(f) APPLICATION OF FEDERAL LAWS.—Nothing in this section shall preempt the application of Federal environmental, natural resources, or cultural resources protection laws according to their terms.

''(g) OVERSIGHT BY THE COMMISSION.—The State of Alaska shall notify the Commission not later than 30 days after making any significant modification to its regulatory program. The Commission shall periodically review the State's program to ensure compliance with the provisions of this section.

''(h) RESUMPTION OF COMMISSION AUTHORITY.—Notwithstanding subsection (a), the Commission shall reassert its licensing and regulatory authority under this Part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.

''(i) DETERMINATION BY THE COMMISSION.—

''(1) Upon application by the Governor of the State of Alaska, the Commission shall within 30 days commence a review of the State of Alaska's regulatory program for water-power development to determine whether it complies with the requirements of Subsection (a).

''(2) The Commission's review required by Paragraph (1) shall be completed with one year of initiation, and the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska's regulatory program for waterpower development complies with the requirements of subsection (a).

''(3) If the Commission fails to issue a final order in accordance with paragraph (2) the State of Alaska's regulatory program for water-powered development shall be deemed to be in compliance with subsection (a).''.

TITLE VI

WEATHERIZATION, SUMMER FILL, HYDROELECTRIC LICENSING PROCEDURES, AND INVENTORY OF OIL AND GAS RESERVES

SEC. 601. CHANGES IN WEATHERIZATION PROGRAM TO PROTECT LOW-INCOME PERSONS.

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

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

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

(2) in subsection (a)(2) by—

(A) striking ''(A)''.

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

(C) striking subparagraph (B);

(3) in subsection (c)(1) by—

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

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

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

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

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

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

(4) in subsection (c)(3) by—

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

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

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

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

SEC. 602. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

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

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

''(a) DEFINITIONS.—IN THIS SECTION:

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

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

''(3) PRICE CAP CONTRACT.—The term 'price cap contract' means a contract between a retailer and a consumer under which the retailer charges the consumer the market price for propane, kerosene, or heating oil, but the cost of the propane, kerosene, or heating oil may exceed a maximum amount stated in the contract.

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

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

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

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

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

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

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

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

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

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

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

SEC. 603. EXPEDITED FERC HYDROELECTRIC LICENSING PROCEDURES.

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

SEC. 604. SCIENTIFIC INVENTORY OF OIL AND GAS RESERVES.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretaries of Agriculture and Energy, shall conduct an inventory of all onshore federal lands. The inventory shall identify:

(1) The United States Geological Survey reserve estimates of the oil and gas resources underlying these lands, and;

(2) The extent and nature of any restrictions or impediments to the development of such resources.

(b) Once completed, the USGS reserve estimates and the surface availability data as provided in (a)(2) shall be regularly updated and made publically available.

(c) The inventory shall be provided to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate within two years after the date of enactment of this section.

(d) There are authorized to be appropriated such sums as may be necessary to implement this section.

SEC. 605. ANNUAL HOME HEATING READINESS REPORTS.

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

''SEC. 108. ANNUAL HOME HEATING READINESS REPORTS.

''(a) IN GENERAL.—On or before September 1 of each year, Secretary, acting through the Administrator of the Energy Information Agency, shall submit to Congress a Home Heating Readiness Report on the readiness of the natural gas, heating oil and propane industries to supply fuel under various weather conditions, including rapid decreases in temperature.

''(b) CONTENTS.—The Home Heating Readiness Report shall include—

''(1) estimates of the consumption, expenditures, and average price per gallon of heating oil and propane and thousand cubic feet of natural gas for the upcoming period of October through March for various weather conditions, with special attention to extreme weather, and various regions of the country;

''(2) an evaluation of—

''(A) global and regional crude oil and refined product supplies;

''(B) the adequacy and utilization of refinery capacity;

''(C) the adequacy, utilization, and distribution of regional refined product storage capacity;

''(D) weather conditions;

''(E) the refined product transportation system;

''(F) market inefficiencies; and

''(G) any other factor affecting the functional capability of the heating oil industry and propane industry that has the potential to affect national or regional supplies and prices;

''(3) recommendations on steps that the Federal, State, and local governments can take to prevent or alleviate the impact of sharp and sustained increases in the price of natural gas, heating oil and propane; and

''(4) recommendations on steps that companies engaged in the production, refining, storage, transportation of heating oil or propane, or any other activity related to the

heating oil industry or propane industry, can take to prevent or alleviate the impact of sharp and sustained increases in the price of heating oil and propane.

''(c) INFORMATION REQUESTS.—The Secretary may request information necessary to prepare the Home Heating Readiness Report from companies described in subsection (b)(4).''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The Energy Policy and Conservation Act is amended—

(1) in the table of contents in the first section (42 U.S.C. prec. 6201), by inserting after the item relating to section 106 the following:

''Sec. 107. Major fuel burning stationary source.
''Sec. 108. Annual home heating readiness reports.'';

and

(2) in section 107 (42 U.S.C. 6215), by striking ''SEC. 107. (a) No Governor'' and inserting the following:

''SEC. 107. MAJOR FUEL BURNING STATIONARY SOURCE.

''(a) No Governor''.

TITLE VII

NATIONAL OIL HEAT RESEARCH ALLIANCE ACT OF 1999

SEC. 701. SHORT TITLE.

This title may be cited as the 'National Oilheat Research Alliance Act of 2000'.

SEC. 702. FINDINGS.

Congress finds that—

(1) oilheat is an important commodity relied on by approximately 30,000,000 Americans as an efficient and economical energy source for commercial and residential space and hot water heating;

(2) oilheat equipment operates at efficiencies among the highest of any space heating energy source, reducing fuel costs and making oilheat an economical means of space heating;

(3) the production, distribution, and marketing of oilheat and oilheat equipment plays a significant role in the economy of the United States, accounting for approximately $12,900,000,000 in expenditures annually and employing millions of Americans in all aspects of the oilheat industry;

(4) only very limited Federal resources have been made available for oilheat research, development, safety, training, and education efforts, to the detriment of both the oilheat industry and its 30,000,000 consumers; and

(5) the cooperative development, self-financing, and implementation of a coordinated national oilheat industry program of research and development, training, and consumer education is necessary and important for the welfare of the oilheat industry, the general economy of the United States, and the millions of Americans that rely on oilheat for commercial and residential space and hot water heating.

SEC. 703. DEFINITIONS.

In this title:

(1) ALLIANCE.—The term ''Alliance'' means a national oilheat research alliance established under section 704.

(2) CONSUMER EDUCATION.—The term ''consumer education'' means the provision of information to assist consumers and other persons in making evaluations and decisions regarding oilheat and other nonindustrial commercial or residential space or hot water heating fuels.

(3) EXCHANGE.—The term ''exchange'' means an agreement that—

(A) entitles each party or its customers to receive oilheat from the other party; and

(B) requires only an insubstantial portion of the volumes involved in the exchange to be settled in cash or property other than the oilheat.

(4) INDUSTRY TRADE ASSOCIATION.—The term ''industry trade association'' means an organization described in paragraph (3) or (6) of section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code and is organized for the purpose of representing the oilheat industry.

(5) NO. 1 DISTILLATE.—The term ''No. 1 distillate'' means fuel oil classified as No. 1 distillate by the American Society for Testing and Materials.

(6) NO. 2 DYED DISTILLATE.—The term ''No. 2 dyed distillate'' means fuel oil classified as No. 2 distillate by the American Society for Testing and Materials that is indelibly dyed in accordance with regulations prescribed by the Secretary of the Treasury under section 4082(a)(2) of the Internal Revenue Code of 1986.

(7) OILHEAT.—The term ''oilheat'' means—

(A) No. 1 distillate; and

(B) No. 2 dyed distillate;

that is used as a fuel for nonindustrial commercial or residential space or hot water heating.

(8) OILHEAT INDUSTRY.—

(A) IN GENERAL.—The term ''oilheat industry'' means—

(i) persons in the production, transportation, or sale of oilheat; and

(ii) persons engaged in the manufacture or distribution of oilheat utilization equipment.

(B) EXCLUSION.—The term ''oilheat industry'' does not include ultimate consumers of oilheat.

(9) PUBLIC MEMBER.—The term ''public member'' means a member of the Alliance described in section 705(c)(1)(F).

(10) QUALIFIED INDUSTRY ORGANIZATION.—The term ''qualified industry organization'' means the National Association for Oilheat Research and Education or a successor organization.

(11) QUALIFIED STATE ASSOCIATION.—The term ''qualified State association'' means the industry trade association or other organization that the qualified industry organization or the Alliance determines best represents retail marketers in a State.

(12) RETAIL MARKETER.—The term ''retail marketer'' means a person engaged primarily in the sale of oilheat to ultimate consumers.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(14) WHOLESALE DISTRIBUTOR.—The term ''wholesale distributor'' means a person that—

(A)(i) produces No. 1 distillate or No. 2 dyed distillate;

(ii) imports No. 1 distillate or No. 2 dyed distillate; or

(iii) transports No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas; and

(B) sells the distillate to another person that does not produce, import, or transport No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas.

(15) STATE.—The term ''State'' means the several States, except the State of Alaska.

SEC. 704. REFERENDA.

(a) CREATION OF PROGRAM.—

(1) IN GENERAL.—The oilheat industry, through the qualified industry organization, may conduct, at its own expense, a referendum among retail marketers and wholesale distributors for the establishment of a national oilheat research alliance.

(2) REIMBURSEMENT OF COST.—The Alliance, if established, shall reimburse the qualified industry organization for the cost of accounting and documentation for the referendum

(3) CONDUCT.—A referendum under paragraph (1) shall be conducted by an independent auditing firm.

(4) VOTING RIGHTS.—

(A) RETAIL MARKETERS.—Voting rights of retail marketers in a referendum under paragraph (1) shall be based on the volume of oilheat sold in a State by each retail marketer in the calendar year previous to the year in which the referendum is conducted or in another representative period.

(B) WHOLESALE DISTRIBUTORS.—Voting rights of wholesale distributors in a referendum under paragraph (1) shall be based on the volume of No. 1 distillate and No. 2 dyed distillate sold in a State by each wholesale distributor in the calendar year previous to the year in which the referendum is conducted or in another representative period, weighted by the ratio of the total volume of No. 1 distillate and No. 2 dyed distillate sold for nonindustrial commercial and residential space and hot water heating in the State to the total volume of No. 1 distillate and No. 2 dyed distillate sold in that State.

(5) ESTABLISHMENT BY APPROVAL OF TWO-THIRDS.—

(A) IN GENERAL.—Subject to subparagraph (B), on approval of persons representing two-thirds of the total volume of oilheat voted in the retail marketer class and two-thirds of the total weighted volume of No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, the Alliance shall be established and shall be authorized to levy assessments under section 107.

(B) REQUIREMENT OF MAJORITY OF RETAIL MARKETERS.—Except as provided in subsection (b), the oilheat industry in a State shall not participate in the Alliance if less than 50 percent of the retail marketer vote in the State approves establishment of the Alliance.

(6) CERTIFICATION OF VOLUMES.—Each person voting in the referendum shall certify to the independent auditing firm the volume of oilheat, No. 1 distillate, or No. 2 dyed distillate represented by the vote of the person.

(7) NOTIFICATION.—Not later than 90 days after the date of enactment of this title, a qualified State association may notify the qualified industry organization in writing that a referendum under paragraph (1) will not be conducted in the State.

(b) SUBSEQUENT STATE PARTICIPATION.—The oilheat industry in a State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum under subsection (a).

(c) TERMINATION OR SUSPENSION.—

(1) IN GENERAL.—On the initiative of the Alliance or on petition to the Alliance by retail marketers and wholesale distributors representing 25 percent of the volume of oilheat or weighted No. 1 distillate and No. 2 dyed distillate in each class, the Alliance shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Alliance, to determine whether the oilheat industry favors termination or suspension of the Alliance.

(2) VOLUME PERCENTAGES REQUIRED TO TERMINATE OR SUSPEND.—Termination or suspension shall not take effect unless termination or suspension is approved by persons representing more than one-half of the total volume of oilheat voted in the retail marketer class or more than one-half of the total volume of weighted No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class.

(3) TERMINATION BY A STATE.—A state may elect to terminate participation by notifying the Alliance that 50 percent of the oilheat volume in the state has voted in a referendum to withdraw.

(d) CALCULATION OF OILHEAT SALES.—For the purposes of this section and section 105, the volume of oilheat sold annually in a State shall be determined on the basis of information provided by the Energy Information Administration with respect to a calendar year or other representative period.

SEC. 705. MEMBERSHIP.

(a) SELECTION.—

(1) IN GENERAL.—Except as provided in subsection (c)(1)(C), the qualified industry organization shall select members of the Alliance representing the oilheat industry in a State from a list of nominees submitted by the qualified State association in the State.

(2) VACANCIES.—A vacancy in the Alliance shall be filled in the same manner as the original selection.

(b) REPRESENTATION.—In selecting members of the Alliance, the qualified industry organization shall make best efforts to select members that are representative of the oilheat industry, including representation of—

(1) interstate and intrastate operators among retail marketers;

(2) wholesale distributors on No. 1 distillate and No. 2 dyed distillate;

(3) large and small companies among wholesale distributors and retail marketers; and

(4) diverse geographic regions of the country.

(c) NUMBER OF MEMBERS.—

(1) IN GENERAL.—The membership of the Alliance shall be as follows:

(A) One member representing each State with oilheat sales in excess of 32,000,000 gallons per year.

(B) If fewer than 24 States are represented under subparagraph (A), 1 member representing each of the States with the highest volume of annual oilheat sales, as necessary to cause the total number of States represented under subparagraph (A) and this subparagraph to equal 24.

(C) 5 representatives of retail marketers, 1 each to be selected by the qualified State associations of the 5 States with the highest volume of annual oilheat sales.

(D) 5 additional representatives of retail marketers.

(E) 21 representatives of wholesale distributors.

(F) 6 public members, who shall be representatives of significant users of oilheat, the oilheat research community, State energy officials, or other groups knowledgeable about oilheat.

(2) FULL-TIME OWNERS OR EMPLOYEES.—Other than the public members, Alliance members shall be full-time owners or employees of members of the oilheat industry, except that members described in subparagraphs (C), (D), and (E) of paragraph (1) may be employees of the qualified industry organization or an industry trade association.

(d) COMPENSATION.—Alliance members shall receive no compensation for their service, nor shall Alliance members be reimbursed for expenses relating to their service, except that public members, on request, may be reimbursed for reasonable expenses directly related to participation in meetings of the Alliance.

(e) TERMS.—

(1) IN GENERAL.—Subject to paragraph (4), a member of the Alliance shall serve a term of 3 years, except that a member filling an unexpired term may serve a total of 7 consecutive years.

(2) TERM LIMIT.—A member may serve not more than 2 full consecutive terms.

(3) FORMER MEMBERS.—A former member of the Alliance may be returned to the Alliance if the member has not been a member for a period of 2 years.

(4) INITIAL APPOINTMENTS.—Initial appointments to the Alliance shall be for terms of 1, 2, and 3 years, as determined by the qualified industry organization, staggered to provide for the subsequent selection of one-third of the members each year.

SEC. 706. FUNCTIONS.

(a) IN GENERAL.—

(1) PROGRAMS, PROJECTS; CONTRACTS AND OTHER AGREEMENTS.—The Alliance—

(A) shall develop programs and projects and enter into contracts or other agreements with other persons and entities for implementing this title, including programs—

(i) to enhance consumer and employee safety and training;

(ii) to provide for research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(iii) for consumer education; and

(B) may provide for the payment of the costs of carrying out subparagraph (A) with assessments collected under section 707.

(2) COORDINATION.—The Alliance shall coordinate its activities with industry trade associations and other persons as appropriate to provide efficient delivery of services and to avoid unnecessary duplication of activities.

(3) ACTIVITIES.—

(A) EXCLUSIONS.—Activities under clause (i) or (ii) of paragraph (1)(A) shall not include advertising, promotions, or consumer surveys in support of advertising or promotions.

(B) RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.—

(i) IN GENERAL.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall include—

(I) all activities incidental to research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(II) the obtaining of patents, including payments of attorney's fees for making and perfecting a patent application.

(ii) EXCLUDED ACTIVITIES.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall not include research, development, and demonstration of oilheat utilization equipment with respect to which technically feasible and commercially feasible operations have been verified, except that funds may be provided for improvements to existing equipment until the technical feasibility and commercial feasibility of the operation of those improvements have been verified.

(b) PRIORITIES.—In the development of programs and projects, the Alliance shall give priority to issues relating to—

(1) research, development, and demonstration;

(2) safety;

(3) consumer education; and

(4) training.

(c) ADMINISTRATION.—

(1) OFFICERS; COMMITTEES; BYLAWS.—The Alliance—

(A) shall select from among its members a chairperson and other officers as necessary;

(B) may establish and authorize committees and subcommittees of the Alliance to take specific actions that the Alliance is authorized to take; and

(C) shall adopt bylaws for the conduct of business and the implementation of this title.

(2) SOLICITATION OF OILHEAT INDUSTRY COMMENT AND RECOMMENDATIONS.—The Alliance shall establish procedures for the solicitation of oilheat industry comment and recommendations on any significant contracts and other agreements, programs, and projects to be funded by the Alliance.

(3) ADVISORY COMMITTEES.—The Alliance may establish advisory committees consisting of persons other than Alliance members.

(4) VOTING.—Each member of the Alliance shall have 1 vote in matters before the Alliance.

(d) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—The administrative expenses of operating the Alliance (not including costs incurred in the collection of assessments under section 707) plus amounts paid under paragraph (2) shall not exceed 7 percent of the amount of assessments collected in any calendar year, except that during the first year of operation of the Alliance such expenses and amounts shall not exceed 10 percent of the amount of assessments.

(2) REIMBURSEMENT OF THE SECRETARY.—

(A) IN GENERAL.—The Alliance shall annually reimburse the Secretary for costs incurred by the Federal Government relating to the Alliance.

(B) LIMITATION.—Reimbursement under subparagraph (A) for any calendar year shall not exceed the amount that the Secretary determines is twice the average annual salary of 1 employee of the Department of Energy.

(e) BUDGET.—

(1) PUBLICATION OF PROPOSED BUDGET.—Before August 1 of each year, the Alliance shall publish for public review and comment a proposed budget for the next calendar year, including the probable costs of all programs, projects, and contracts and other agreements.

(2) SUBMISSION TO THE SECRETARY AND CONGRESS.—After review and comment under paragraph (1), the Alliance shall submit the proposed budget to the Secretary and Congress.

(3) RECOMMENDATIONS BY THE SECRETARY.—The Secretary may recommend for inclusion in the budget programs and activities that the Secretary considers appropriate.

(4) IMPLEMENTATION.—The Alliance shall not implement a proposed budget until the expiration of 60 days after submitting the proposed budget to the Secretary.

(f) RECORDS; AUDITS.—

(1) RECORDS.—The Alliance shall—

(A) keep records that clearly reflect all of the acts and transactions of the Alliance; and

(B) make the records available to the public.

(2) AUDITS.—

(A) IN GENERAL.—The records of the Alliance (including fee assessment reports and applications for refunds under section 707(b)(4)) shall be audited by a certified public accountant at least once each year and at such other times as the Alliance may designate.

(B) AVAILABILITY OF AUDIT REPORTS.—Copies of each audit report shall be provided to the Secretary, the members of the Alliance, and the qualified industry organization, and, on request, to other members of the oilheat industry.

(C) POLICIES AND PROCEDURES.—

(i) IN GENERAL.—The Alliance shall establish policies and procedures for auditing compliance with this title.

(ii) CONFORMITY WITH GAAP.—The policies and procedures established under clause (i) shall conform with generally accepted accounting principles.

(g) PUBLIC ACCESS TO ALLIANCE PROCEEDINGS.—

(1) PUBLIC NOTICE.—The Alliance shall give at least 30 days' public notice of each meeting of the Alliance.

(2) MEETINGS OPEN TO THE PUBLIC.—Each meeting of the Alliance shall be open to the public.

(3) MINUTES.—The minutes of each meeting of the Alliance shall be made available to and readily accessible by the public.

(h) ANNUAL REPORT.—Each year the Alliance shall prepare and make publicly available a report that—

(1) includes a description of all programs, projects, and contracts and other agreements undertaken by the Alliance during the previous year and those planned for the current year; and

(2) details the allocation of Alliance resources for each such program and project.

SEC. 707. ASSESSMENTS.

(a) RATE.—The assessment rate shall be equal to two-tenths-cent per gallon of No. 1 distillate and No. 2 dyed distillate.

(b) COLLECTION RULES.—

(1) COLLECTION AT POINT OF SALE.—The assessment shall be collected at the point of sale of No. 1 distillate and No. 2 dyed distillate by a wholesale distributor to a person other than a wholesale distributor, including a sale made pursuant to an exchange.

(2) RESPONSIBILITY FOR PAYMENT.—A wholesale distributor—

(A) shall be responsible for payment of an assessment to the Alliance on a quarterly basis; and

(B) shall provide to the Alliance certification of the volume of fuel sold.

(3) NO OWNERSHIP INTEREST.—A person that has no ownership interest in No. 1 distillate or No. 2 dyed distillate shall not be responsible for payment of an assessment under this section.

(4) FAILURE TO RECEIVE PAYMENT.—

(A) REFUND.—A wholesale distributor that does not receive payments from a purchaser for No. 1 distillate or No. 2 dyed distillate within 1 year of the date of sale may apply for a refund from the Alliance of the assessment paid.

(B) AMOUNT.—The amount of a refund shall not exceed the amount of the assessment levied on the No. 1 distillate or No. 2 dyed distillate for which payment was not received.

(5) IMPORTATION AFTER POINT OF SALE.—The owner of No. 1 distillate or No. 2 dyed distillate imported after the point of sale—

(A) shall be responsible for payment of the assessment to the Alliance at the point at which the product enters the United States; and

(B) shall provide to the Alliance certification of the volume of fuel imported.

(6) LATE PAYMENT CHARGE.—The Alliance may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Alliance any amount due under this title.

(7) ALTERNATIVE COLLECTION RULES.—The Alliance may establish, or approve a request of the oilheat industry in a State for, an alternative means of collecting the assessment if another means is determined to be more efficient or more effective.

(c) SALE FOR USE OTHER THAN AS OILHEAT.—No. 1 distillate and No. 2 dyed distillate sold for uses other than as oilheat are excluded from the assessment.

(d) INVESTMENT OF FUNDS.—Pending disbursement under a program, project or contract or other agreement the Alliance may invest funds collected through assessments, and any other funds received by the Alliance, only—

(1) in obligations of the United States or any agency of the United States;

(2) in general obligations of any State or any political subdivision of a State;

(3) in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(4) in obligations fully guaranteed as to principal and interest by the United States.

(e) STATE, LOCAL, AND REGIONAL PROGRAMS.—

(1) COORDINATION.—The Alliance shall establish a program coordinating the operation of the Alliance with the operator of any similar State, local, or regional program created under State law (including a regulation), or similar entity.

(2) FUNDS MADE AVAILABLE TO QUALIFIED STATE ASSOCIATIONS.—

(A) IN GENERAL.—

(i) BASE AMOUNT.—The Alliance shall make available to the qualified State association of each State an amount equal to 15 percent of the amount of assessments collected in the State.

(ii) ADDITIONAL AMOUNT.—

(I) IN GENERAL.—A qualified state association may request that the Alliance provide to the association any portion of the remaining 85 percent of the amount of assessments collected in the State.

(II) REQUEST REQUIREMENTS.—A request under this clause shall—

(aa) specify the amount of funds requested;

(bb) describe in detail the specific uses for which the requested funds are sought;

(cc) include a commitment to comply with this title in using the requested funds; and

(dd) be made publicly available.

(III) DIRECT BENEFIT.—The Alliance shall not provide any funds in response to a request under this clause unless the Alliance determines that the funds will be used to directly benefit the oilheat industry.

(IV) MONITORING, TERMS, CONDITIONS, AND REPORTING REQUIREMENTS.—The Alliance shall—

(aa) monitor the use of funds provided under this clause; and

(bb) impose whatever terms, conditions, and reporting requirements that the Alliance considers necessary to ensure compliance with this title.

SEC. 708. MARKET SURVEY AND CONSUMER PROTECTION.

(a) PRICE ANALYSIS.—Beginning 2 years after establishment of the Alliance and annually thereafter, the Secretary of Commerce, using only data provided by the Energy Information Administration and other public sources, shall prepare and make available to the Congress, the Alliance, the Secretary of Energy, and the public, an analysis of changes in the price of oilheat relative to other energy sources. The oilheat price analysis shall compare indexed changes in the price of consumer grade oilheat of indexed changes in the price of residential electricity, residential natural gas, and propane on an annual national average basis. For purposes of indexing changes in oilheat, residential electricity, residential natural gas, and propane prices, the Secretary of Commerce shall use a 5-year rolling average price beginning with the year 4 years prior to the establishment of the Alliance.

(b) AUTHORITY TO RESTRICT ACTIVITIES.—If in any year the 5-year average price composite index of consumer grade oilheat exceeds the 5-year rolling average price composite index of residential electricity, residential natural gas, and propane in an amount greater than 10.1 percent, the activities of the Alliance shall be restricted to research and development, training, and safety matters. The Alliance shall inform the Secretary of Energy and the Congress of any restriction of activities under this subsection. Upon expiration of 180 days after the beginning of any such restriction of activities, the Secretary of Commerce shall again conduct the oilheat price analysis described in subsection (a). Activities of the Alliance shall continue to be restricted under this subsection until the price index excess is 10.1 percent or less.

SEC. 709. COMPLIANCE.

(a) IN GENERAL.—The Alliance may bring a civil action in United States district court to compel payment of an assessment under section 707.

(b) COSTS.—A successful action for compliance under this section may also require payment by the defendant of the costs incurred by the Alliance in bringing the action.

SEC. 710. LOBBYING RESTRICTIONS.

No funds derived from assessments under section 707 collected by the Alliance shall be used to influence legislation or elections, except that the Alliance may use such funds to formulate and submit to the Secretary recommendations for amendments to this title or other laws that would further the purposes of this title.

SEC. 711. DISCLOSURE.

Any consumer education activity undertaken with funds provided by the Alliance shall include a statement that the activities were supported, in whole or in part, by the Alliance.

SEC. 712. VIOLATIONS.

(a) PROHIBITION.—It shall be unlawful for any person to conduct a consumer education activity, undertaken with funds derived from assessments collected by the Alliance under section 707, that includes—

(1) a reference to a private brand name;

(2) a false or unwarranted claim on behalf of oilheat or related products; or

(3) a reference with respect to the attributes or use of any competing product.

(b) COMPLAINTS.—

(1) IN GENERAL.—A public utility that is aggrieved by a violation described in subsection (a) may file a complaint with the Alliance.

(2) TRANSMITTAL TO QUALIFIED STATE ASSOCIATION.—A complaint shall be transmitted concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

(3) CESSATION OF ACTIVITIES.—On receipt of a complaint under this subsection, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall cease that consumer education activity until—

(A) the complaint is withdrawn; or

(B) a court determines that the conduct of the activity complained of does not constitute a violation of subsection (a).

(c) RESOLUTION BY PARTIES.—

(1) IN GENERAL.—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made shall meet to attempt to resolve the complaint.

(2) WITHDRAWAL OF COMPLAINT.—If the issues in dispute are resolved in those discussions, the complaining party shall withdraw its complaint.

(d) JUDICIAL REVIEW.—

(1) IN GENERAL.—A public utility filing a complaint under this section, the Alliance, a qualified State association undertaking the consumer education activity with respect to which a complaint with this section is made, or any person aggrieved by a violation of subsection (a) may seek appropriate relief in United States district court.

(2) RELIEF.—A public utility filing a complaint under this section shall be entitled to temporary and injunctive relief enjoining the consumer education activity with respect to which a complaint under this section is made until—

(A) the complaint is withdrawn; or

(B) the court has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

(a) ATTORNEY'S FEES.—

(1) MERITORIOUS CASE.—In a case in Federal court in which the court grants a public utility injunctive relief under subsection (d), the

public utility shall be entitled to recover an attorney's fee from the Alliance and any qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made.

(2) NONMERITORIOUS CASE.—In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous and without merit, the prevailing party shall be entitled to recover an attorney's fee.

(f) SAVINGS CLAUSE.—Nothing in this section shall limit causes of action brought under any other law.

SEC. 713. SUNSET.

This title shall cease to be effective as of the date that is 4 years after the date on which the Alliance is established.

SAN BERNARDINO NATIONAL FOREST LEGISLATION

MURKOWSKI AMENDMENT NO. 4328

Mr. SESSIONS (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 3657) to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—Subject to valid existing rights and settlement of claims as provided in this section, the Secretary of Agriculture shall convey to KATY 101.3 FM (in this section referred to as ''KATY'') all right, title and interest of the United States in and to a parcel of real property consisting of approximately 1.06 acres within the San Bernardino National Forest in Riverside County, California, generally located in the north ½ of section 23, township 5 south, range 2 east, San Bernardino meridian.

(b) LEGAL DESCRIPTION.—The Secretary and KATY shall, by mutual agreement, prepare the legal description of the parcel of real property to be conveyed under subsection (a), which is generally depicted as Exhibit A–2 in an appraisal report of the subject parcel dated August 26, 1999, by Paul H. Meiling.

(c) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Any appraisal to determine the fair market value of the parcel shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition and approved by the Secretary.

(d) SETTLEMENT.—In addition to the consideration referred to in subsection (c), upon the receipt of $16,600 paid by KATY to the Secretary, the Secretary shall release KATY from any and all claims of the United States arising from the occupancy and use of the San Bernardino National Forest by KATY for communication site purposes.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real property to be conveyed under subsection (a).

(f) ADMINISTRATIVE COSTS.—Any costs associated with the creation of a subdivided parcel, recordation of a survey, zoning, and planning approval, and similar expenses with respect to the conveyance under this section, shall be borne by KATY.

(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel of real property referred to in subsection (a), KATY, and its successors and assigns will indemnify and hold harmless the United States for any and all liability to General Telephone and Electronics Corporation (also known as ''GTE'') KATY, and any third party that is associated with the parcel, including liability for any buildings or personal property on the parcel belonging to GTE and any other third parties.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to this section shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for the inclusion in the San Bernardino National Forest.

(i) RECEIPTS ACT AMENDMENT.—The Act of June 15, 1938 (Chapter 438:52 Stat. 699), as amended by the Acts of May 26, 1944 (58 Stat. 227), is further amended—

(1) by striking the comma after the words ''Secretary of Agriculture'';

(2) by striking the words ''with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U.S.C. 513),'';

(3) by inserting the words '', real property or interests in lands,'' after the word ''lands'' the first time it is used;

(4) by striking ''San Bernardino and Cleveland'' and inserting ''San Bernardino, Cleveland and Los Angeles'';

(5) by striking ''county of Riverside'' each place it appears and inserting ''counties of Riverside and San Bernardino'';

(6) by striking ''as to minimize soil erosion and flood damage'' and inserting ''for National Forest System purposes''; and

(7) after the ''Provided further, That'', by striking the remainder of the sentence to the end of the paragraph, and inserting ''twelve and one-half percent of the monies otherwise payable to the State of California for the benefit of San Bernardino County under the aforementioned Act of March 1, 1911 (16 U.S.C. 500) shall be available to be appropriated for expenditure in furtherance of this Act.''.

SEC. 2. SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT CLARIFYING AMENDMENTS.

The Santa Rosa and San Jacinto Mountains National Monument Act of 2000 is amended as follows:

(1) In the second sentence of section 2(d)(1), by striking ''and the Committee on Agriculture, Nutrition, and Forestry''.

(2) In the second sentence of section 4(a)(3), by striking ''Nothing in this section'' and inserting ''Nothing in this Act''.

(3) In section 4(c)(1) by striking ''any person, including''.

(4) In section 5, by adding at the end the following:

''(j) WILDERNESS PROTECTION.—Nothing in this Act alters the management of any areas designated as Wilderness which are within the boundaries of the National Monument. All such areas shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.), the laws designating such areas as Wilderness, and other applicable laws. If any part of this Act conflicts with any provision of those laws with respect to the management of the Wilderness areas, such provision shall control.''.

SEC. 3. TECHNICAL CORRECTION.

The Santo Domingo Pueblo Claims Settlement Act of 2000 is amended by adding at the end:

''SEC. 7. MISCELLANEOUS PROVISIONS.

''(a) EXCHANGE OF CERTAIN LANDS WITH NEW MEXICO.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall acquire by exchange the State of New Mexico trust lands located in township 16 north, range 4 east, section 2, and all interests therein, including improvements, mineral rights and water rights.

''(2) USE OF OTHER LANDS.—In acquiring lands by exchange under paragraph (1), the Secretary may utilize unappropriated public lands within the State of New Mexico.

''(3) VALUE OF LANDS.—The lands exchanged under this subsection shall be of approximately equal value, and the Secretary may credit or debit the ledger account established in the Memorandum of Understanding between the Bureau of Land Management, the New Mexico State Land Office, and the New Mexico Commissioner of Public Lands, in order to equalize the values of the lands exchanged.

''(4) CONVEYANCE.—

''(A) BY SECRETARY.—Upon the acquisition of lands under paragraph (1), the Secretary shall convey all title and interest to such lands to the Pueblo by sale, exchange or otherwise, and the Pueblo shall have the exclusive right to acquire such lands.

''(B) BY PUEBLO.—Upon the acquisition of lands under subparagraph (A), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

''(b) OTHER EXCHANGES OF LAND.—

''(1) IN GENERAL.—In order to further the purposes of this Act—

''(A) the Pueblo may enter into agreements to exchange restricted lands for lands described in paragraph (2); and

''(B) any land exchange agreements between the Pueblo and any of the parties to the action referred to in paragraph (2) that are executed not later than December 31, 2001, shall be deemed to be approved.

''(2) LANDS.—The land described in this paragraph is the land, title to which was at issue in *Pueblo of Santo Domingo* v. *Rael* (Civil No. 83–1888 (D.N.M.)).

''(3) LAND TO BE HELD IN TRUST.—Upon the acquisition of lands under paragraph (1), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the provisions of section 5(a) relating to the extinguishment of the land claims of the Pueblo.

''(c) APPROVAL OF CERTAIN RESOLUTIONS.—All agreements, transactions, and conveyances authorized by Resolutions 97–010 and C22–99 as enacted by the Tribal Council of the Pueblo de Cochiti, and Resolution S.D. 12–99–36 as enacted by the Tribal Council of the Pueblo of Santo Domingo, pertaining to boundary disputes between the Pueblo de Cochiti and the Pueblo of Santo Domingo, are hereby approved, including the Pueblo de Cochiti's agreement to relinquish its claim to the southwest corner of its Spanish Land Grant, to the extent that such land overlaps with the Santo Domingo Pueblo Grant, and to disclaim any right to receive compensation from the United States or any other party with respect to such overlapping lands.''.

NATIONAL FOREST EDUCATION AND COMMUNITY PURPOSE LANDS ACT

MURKOWSKI (AND OTHERS) AMENDMENT NO. 4329

Mr. SESSIONS (for Mr. MURKOWSKI (for himself and Mr. BINGAMAN) proposed an amendment to the bill (H.R. 150) to authorize the Secretary of Agriculture to convey National Forest System lands for use for educational purposes, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

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TITLE I—CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES

SECTION 101. SHORT TITLE.

This title may be cited as the ''Education Land Grant Act''.

SEC. 102. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) AUTHORITY TO CONVEY.—Upon written application, the Secretary of Agriculture may convey National Forest System lands to a public school district for use for educational purposes if the Secretary determines that—

(1) the public school district seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System;

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use;

(5) the land is to be used for an established or proposed project that is described in detail in the application to the Secretary, and the conveyance would serve public objectives (either locally or at large) that outweigh the objectives and values which would be served by maintaining such land in Federal ownership;

(6) the applicant is financially and otherwise capable of implementing the proposed project;

(7) the land to be conveyed has been identified for disposal in an applicable land and resource management plan under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(8) An opportunity for public participation in a disposal under this section has been provided, including at least one public hearing or meeting, to provide for public comments.

(b) ACREAGE LIMITATION.—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) COSTS AND MINERAL RIGHTS.—(1) A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral or water rights.

(2) If necessary, the exact acreage and legal description of the real property conveyed under this Act shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.

(d) REVIEW OF APPLICATIONS.—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) REVERSIONARY INTEREST.—If at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, title to the lands shall revert to the United States.

TITLE II—ALA KAHAKAI NATIONAL HISTORIC TRAIL

SECTION 201. SHORT TITLE.

This title may be cited as the ''Ala Kahakai National Historic Trail Act''.

SEC. 202. FINDINGS.

Congress finds that—

(1) the Ala Kahakai (Trail by the Sea) is an important part of the ancient trail known as the ''Ala Loa'' (the long trail), which circumscribes the island of Hawaii;

(2) the Ala Loa was the major land route connecting 600 or more communities of the island kingdom of Hawaii from 1400 to 1700;

(3) the trail is associated with many prehistoric and historic housing areas of the island of Hawaii, nearly all the royal centers, and most of the major temples of the island;

(4) the use of the Ala Loa is also associated with many rulers of the kingdom of Hawaii, with battlefields and the movement of armies during their reigns, and with annual taxation;

(5) the use of the trail played a significant part in events that affected Hawaiian history and culture, including—

(A) Captain Cook's landing and subsequent death in 1779;

(B) Kamehameha I's rise to power and consolidation of the Hawaiian Islands under monarchical rule; and

(C) the death of Kamehameha in 1819, followed by the overthrow of the ancient religious system, the Kapu, and the arrival of the first western missionaries in 1820; and

(6) the trail—

(A) was used throughout the 19th and 20th centuries and continues in use today; and

(B) contains a variety of significant cultural and natural resources.

SEC. 203. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

''(22) ALA KAHAKAI NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Ala Kahakai National Historic Trail (the Trail by the Sea), a 175 mile long trail extending from 'Upolu Point on the north tip of Hawaii Island down the west coast of the Island around Ka Lae to the east boundary of Hawaii Volcanoes National Park at the ancient shoreline temple known as 'Waha'ula', as generally depicted on the map entitled 'Ala Kahakai Trail', contained in the report prepared pursuant to subsection (b) entitled 'Ala Kahakai National Trail Study and Environmental Impact Statement', dated January 1998.

''(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

''(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

''(E) PUBLIC PARTICIPATION; CONSULTATION.—The Secretary of the Interior shall—

''(i) encourage communities and owners of land along the trail, native Hawaiians, and

volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

''(ii) consult with affected Federal, State, and local agencies, native Hawaiian groups, and landowners in the administration of the trail.''.

TITLE III—ADDITIONS TO NATIONAL PARK SYSTEM AREAS

SECTION 301. ADDITION TO SEQUOIA NATIONAL PARK.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) LAND ACQUIRED.—The land referred to in subsection (a) is the land depicted on the map entitled ''Dillonwood'', numbered 102/80,044, and dated September 1999.

(c) ADDITION TO PARK.—Upon acquisition of the land under subsection (a)—

(1) the Secretary of the Interior shall—

(A) modify the boundaries of Sequoia National Park to include the land within the park; and

(B) administer the land as part of Sequoia National Park in accordance with all applicable laws; and

(2) The Secretary of Agriculture shall modify the boundaries of the Sequoia National Forest to exclude the land from the forest boundaries.

SECTION 302. BOUNDARY ADJUSTMENT TO INCLUDE CAT ISLAND.

(a) IN GENERAL.—The first section of Public Law 91–660 (16 U.S.C. 459h) is amended—

(1) in the first sentence, by striking ''That, in'' and inserting the following:

''SECTION 1. GULF ISLANDS NATIONAL SEASHORE.

''(a) ESTABLISHMENT.—In''; and

(2) in the second sentence—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting appropriately;

(B) by striking ''The seashore shall comprise'' and inserting the following:

''(b) COMPOSITION.—

''(1) IN GENERAL.—The seashore shall comprise the areas described in paragraphs (2) and (3).

''(2) AREAS INCLUDED IN BOUNDARY PLAN NUMBERED NS–GI–7100J.—The areas described in this paragraph are'': and

(C) by adding at the end the following:

''(3) CAT ISLAND.—Upon its acquisition by the Secretary, the area described in this paragraph is the parcel consisting of approximately 2,000 acres of land on Cat Island, Mississippi, as generally depicted on the map entitled 'Boundary Map, Gulf Islands National Seashore, Cat Island, Mississippi', numbered 635/80085, and dated November 9, 1999 (referred to in this Act as the 'Cat Island Map').

''(4) AVAILABILITY OF MAP.—The Cat Island Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.''.

(b) ACQUISITION AUTHORITY.—Section 2 of Public Law 91–660 (16 U.S.C. 459h–1) is amended—

(1) in the first sentence of subsection (a), by striking ''lands,'' and inserting ''submerged land, land,''; and

(2) by adding at the end the following:

''(e) ACQUISITION AUTHORITY.—

''(1) IN GENERAL.—The Secretary may acquire, from a willing seller only—

''(A) all land comprising the parcel described in subsection (b)(3) that is above the mean line of ordinary high tide, lying and being situated in Harrison County, Mississippi;

''(B) an easement over the approximately 150-acre parcel depicted as the 'Boddie Family Tract' on the Cat Island Map for the purpose of implementing an agreement with the owners of the parcel concerning the development and use of the parcel; and

''(C)(i) land and interests in land on Cat Island outside the 2,000-acre area depicted on the Cat Island Map; and

''(ii) submerged land that lies within 1 mile seaward of Cat Island (referred to in this Act as the 'buffer zone'), except that submerged land owned by the State of Mississippi (or a subdivision of the State) may be acquired only by donation.

''(2) ADMINISTRATION.—

''(A) IN GENERAL.—Land and interests in land acquired under this subsection shall be administered by the Secretary, acting through the Director of the National Park Service.

''(B) BUFFER ZONE.—Nothing in this Act or any other provision of law shall require the State of Mississippi to convey to the Secretary any right, title, or interest in or to the buffer zone as a condition for the establishment of the buffer zone.

''(3) MODIFICATION OF BOUNDARY.—The boundary of the seashore shall be modified to reflect the acquisition of land under this subsection only after completion of the acquisition.''

(c) REGULATION OF FISHING.—Section 3 of Public Law 91–660 (16 U.S.C. 459h–2) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) NO AUTHORITY TO REGULATE MARITIME ACTIVITIES.—Nothing in this Act or any other provision of law shall affect any right of the State of Mississippi, or give the Secretary any authority, to regulate maritime activities, including nonseashore fishing activities (including shrimping), in any area that, on the date of enactment of this subsection, is outside the designated boundary of the seashore (including the buffer zone).''.

(d) AUTHORIZATION OF MANAGEMENT AGREEMENTS.—Section 5 of Public Law 91–660 (16 U.S.C. 459h–4) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Except''; and

(2) by adding at the end the following:

''(b) AGREEMENTS.—

''(1) IN GENERAL.—The Secretary may enter into agreements—

''(A) with the State of Mississippi for the purposes of managing resources and providing law enforcement assistance, subject to authorization by State law, and emergency services on or within any land on Cat Island and any water and submerged land within the buffer zone; and

''(B) with the owners of the approximately 150-acre parcel depicted as the 'Boddie Family Tract' on the Cat Island Map concerning the development and use of the land.

''(2) NO AUTHORITY TO ENFORCE CERTAIN REGULATIONS.—Nothing in this subsection authorizes the Secretary to enforce Federal regulations outside the land area within the designated boundary of the seashore.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of Public Law 91–660 (16 U.S.C. 459h–10) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''There''; and

(2) by adding at the end the following:

''(b) AUTHORIZATION FOR ACQUISITION OF LAND.—In addition to the funds authorized by subsection (a), there are authorized to be appropriated such sums as are necessary to acquire land and submerged land on and adjacent to Cat Island, Mississippi.''.

TITLE IV—PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE

SECTION 401. SHORT TITLE.

This title may be cited as the ''Pecos National Historical Park Land Exchange Act of 2000''.

SEC. 402. DEFINITIONS.

As used in this title—

(1) the term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture;

(2) the term ''landowner'' means Harold and Elisabeth Zuschlag, owners of land within the Pecos National Historical Park; and

(3) the term ''map'' means a map entitled ''Proposed Land Exchange for Pecos National Historical Park'', numbered 430/80,054, and dated November 19, 1999, revised September 18, 2000.

SEC. 403. LAND EXCHANGE.

(a) Upon the conveyance by the landowner to the Secretary of the Interior of the lands identified in subsection (b), the Secretary of Agriculture shall convey the following lands and interests to the landowner, subject to the provisions of this title:

(1) Approximately 160 acres of Federal lands and interests therein within the Santa Fe National Forest in the State of New Mexico, as generally depicted on the map; and

(2) The Secretary of the Interior shall convey an easement for water pipelines to two existing well sites, located within the Pecos National Historical Park, as provided in this paragraph.

(A) The Secretary of the Interior shall determine the appropriate route of the easement through Pecos National Historical Park and such route shall be a condition of the easement. The Secretary of the Interior may add such additional terms and conditions relating to the use of the well and pipeline granted under this easement as he deems appropriate.

(B) The easement shall be established, operated, and maintained in compliance with all Federal laws.

(b) The lands to be conveyed by the landowner to the Secretary of the Interior comprise approximately 154 acres within the Pecos National Historical Park as generally depicted on the map.

(c) The Secretary of Agriculture shall convey the lands and interests identified in subsection (a) only if the landowner conveys a deed of title to the United States, that is acceptable to and approved by the Secretary of the Interior.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as otherwise provided in this Act, the exchange of lands and interests pursuant to this Act shall be in accordance with the provisions of section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716) and other applicable laws including the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(2) VALUATION AND APPRAISALS.—The values of the lands and interests to be exchanged pursuant to this Act shall be equal, as determined by appraisals using nationally recognized appraisal standards including the Uniform Appraisal Standards for Federal Land Acquisition. The Secretaries shall obtain the appraisals and insure they are conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisition. The appraisals shall be paid for in accordance 0with the exchange agreement between the Secretaries and the landowner.

(3) COMPLETION OF THE EXCHANGE.—The exchange of lands and interests pursuant to this title shall be completed not later than 180 days after National Environmental Policy Act requirements have been met and after the Secretary of the Interior approves the appraisals. The Secretaries shall report

to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the successful completion of the exchange.

(4) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require such additional terms and conditions in connection with the exchange of lands and interests pursuant to this title as the Secretaries consider appropriate to protect the interests of the United States.

(5) EQUALIZATION OF VALUES.—

(A) The Secretary of Agriculture shall equalize the values of Federal land conveyed under subsection (a) and the land conveyed to the Federal Government under subsection (b)—

(i) by the payment of cash to the Secretary of Agriculture or the landowner, as appropriate, except that notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary of Agriculture may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; or

(ii) if the value of the Federal land is greater than the land conveyed to the Federal government, by reducing the acreage of the Federal land conveyed.

(B) DISPOSITION OF FUNDS.—Any funds received by the Secretary of Agriculture as cash equalization payment from the exchange under this section shall be deposited into the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a) and shall be available for expenditure, without further appropriation, for the acquisition of land and interests in the land in the State of New Mexico.

SEC. 404. BOUNDARY ADJUSTMENT AND MAPS.

(a) Upon acceptance of title by the Secretary of the Interior of the lands and interests conveyed to the United States pursuant to section 403 of this title, the boundaries of the Pecos National Historical Park shall be adjusted to encompass such lands. The Secretary of the Interior shall administer such lands in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1, 2–4).

(b) The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(c) Not later than 180 days after completion of the exchange described in section 3, the Secretaries shall transmit the map accurately depicting the lands and interests conveyed to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

TITLE V—NEW AREA STUDIES

SEC. 501. VICKSBURG CAMPAIGN TRAIL STUDY.

(a) SHORT TITLE.—

This section may be cited as the ''Vicksburg Campaign Trail Battlefields Preservation Act of 2000''.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) there are situated along the Vicksburg Campaign Trail in the States of Mississippi, Louisiana, Arkansas, and Tennessee the sites of several key Civil War battles;

(B) the battlefields along the Vicksburg Campaign Trail are collectively of national significance in the history of the Civil War; and

(C) the preservation of those battlefields would vitally contribute to the understanding of the heritage of the United States.

(2) PURPOSE.—The purpose of this section is to authorize a feasibility study to determine what measures should be taken to preserve certain Civil War battlefields along the Vicksburg Campaign Trail.

(c) DEFINITIONS.—

In this section:

(1) CAMPAIGN TRAIL STATE.—The term ''Campaign Trail State'' means each of the States of Mississippi, Louisiana, Arkansas, and Tennessee, including political subdivisions of those States.

(2) CIVIL WAR BATTLEFIELD.—The term ''Civil War battlefield'' includes the following sites (including related structures adjacent to or thereon)—

(A) the battlefields at Helena and Arkansas Post, Arkansas;

(B) Goodrich's Landing near Transylvania, and sites in and around Lake Providence, East Carroll Parish, Louisiana;

(C) the battlefield at Milliken's Bend, Madison Parish, Louisiana;

(D) the route of Grant's march through Louisiana from Milliken's Bend to Hard Times, Madison and Tensas Parishes, Louisiana;

(E) the Winter Quarters at Tensas Parish, Louisiana;

(F) Grant's landing site at Bruinsburg, and the route of Grant's march from Bruinsburg to Vicksburg, Claiborne, Hinds, and Warren Counties, Mississippi;

(G) the battlefield at Port Gibson (including Shaifer House, Bethel Church, and the ruins of Windsor), Claiborne County, Mississippi;

(H) the battlefield at Grand Gulf, Claiborne County, Mississippi;

(I) the battlefield at Raymond (including Waverly, (the Peyton House)), Hinds County, Mississippi;

(J) the battlefield at Jackson, Hinds County, Mississippi;

(K) the Union siege lines around Jackson, Hinds County, Mississippi;

(L) the battlefield at Champion Hill (including Coker House), Hinds County, Mississippi;

(M) the battlefield at Big Black River Bridge, Hinds and Warren Counties, Mississippi;

(N) the Union fortifications at Haynes Bluff, Confederate fortifications at Snyder's Bluff, and remnants of Federal exterior lines, Warren County, Mississippi;

(O) the battlefield at Chickasaw Bayou, Warren County, Mississippi;

(P) Pemberton's Headquarters at Warren County, Mississippi;

(Q) the site of actions taken in the Mississippi Delta and Confederate fortifications near Grenada, Grenada County, Mississippi;

(R) the site of the start of Greirson's Raid and other related sites, LaGrange, Tennessee; and

(S) any other sites considered appropriate by the Secretary.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(d) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date funds are made available for this section, the Secretary shall complete a feasibility study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail.

(2) COMPONENTS.—In completing the study, the Secretary shall—

(A) review current National Park Service programs, policies and criteria to determine the most appropriate means of ensuring the Civil War battlefields and associated natural, cultural, and historical resources are preserved;

(B) evaluate options for the establishment of a management entity for the Civil War battlefields consisting of a unit of government or a private nonprofit organization that—

(i) administers and manages the Civil War battlefields; and

(ii) possesses the legal authority to—

(I) receive Federal funds and funds from other units of government or other organizations for use in managing the Civil War battlefields;

(II) disburse Federal funds to other units of government or other nonprofit organizations for use in managing the Civil War battlefields;

(III) enter into agreements with the Federal government, State governments, or other units of government and nonprofit organizations; and

(IV) acquire land or interests in land by gift or devise, by purchase from a willing seller using donated or appropriated funds, or by donation;

(C) make recommendations to the Campaign Trail States for the management, preservation, and interpretation of the natural, cultural, and historical resources of the Civil War battlefields;

(D) identify appropriate partnerships among Federal, State, and local governments, regional entities, and the private sector, including nonprofit organizations and the organization known as ''Friends of the Vicksburg Campaign and Historic Trail'', in furtherance of the purposes of this section; and

(E) recommend methods of ensuring continued local involvement and participation in the management, protection, and development of the Civil War battlefields.

(e) REPORT.—Not later than 60 days after the date of completion of the study under this section, the Secretary shall submit a report describing the findings of the study to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

SEC. 502. MIAMI CIRCLE SPECIAL RESOURCE STUDY.

(a) FINDINGS AND PURPOSES.

(1) FINDINGS.—Congress finds that—

(A) the Tequesta Indians were one of the earliest groups to establish permanent villages in southeast Florida;

(B) the Tequestas had one of only two North American civilizations that thrived and developed into a complex social chiefdom without an agricultural base;

(C) the Tequesta sites that remain preserved today are rare;

(D) the discovery of the Miami Circle, occupied by the Tequesta approximately 2,000 years ago, presents a valuable new opportunity to learn more about the Tequesta culture; and

(E) Biscayne National Park also contains and protects several prehistoric Tequesta sites.

(2) PURPOSE.—The purpose of this section is to direct the Secretary to conduct a special resource study to determine the national significance of the Miami Circle site as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park.

(b) DEFINITIONS.

In this section:

(1) MIAMI CIRCLE.—The term ''Miami Circle'' means the property in Miami-Dade County of the State of Florida consisting of the three parcels described in Exhibit A in the appendix to the summons to show cause and notice of eminent domain proceedings, filed February 18, 1999, in Miami-Dade County v. Brickell Point, Ltd., in the circuit

court of the 11th judicial circuit of Florida in and for Miami-Dade County.

(2) PARK.—The term ''Park'' means Biscayne National Park in the State of Florida.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) SPECIAL RESOURCE STUDY.

(1) IN GENERAL.—Not later than one year after the date funds are made available, the Secretary shall conduct a special resource study as described in paragraph (2). In conducting the study, the Secretary shall consult with the appropriate American Indian tribes and other interested groups and organizations.

(2) COMPONENTS.—In addition to a determination of national significance, feasibility, and suitability, the special resource study shall include the analysis and recommendations of the Secretary with respect to—

(A) which, if any, particular areas of or surrounding the Miami Circle should be included in the Park;

(B) whether any additional staff, facilities, or other resources would be necessary to administer the Miami Circle as a unit of the Park; and

(C) any impact on the local area that would result from the inclusion of Miami Circle in the Park.

(c) REPORT.—Not later than 30 days after completion of the study, the Secretary shall submit a report describing the findings and recommendations of the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 503. APOSTLE ISLANDS WILDERNESS STUDY.

(a) SHORT TITLE.—This section may be cited as the ''Gaylord Nelson Apostle Islands Stewardship Act of 2000''.

(b) DECLARATIONS.—Congress declares that—

(1) the Apostle Islands National Lakeshore is a national and a Wisconsin treasure;

(2) the State of Wisconsin is particularly indebted to former Senator Gaylord Nelson for his leadership in the creation of the Lakeshore;

(3) after more than 28 years of enjoyment, some issues critical to maintaining the overall ecological, recreational, and cultural vision of the Lakeshore need additional attention;

(4) the general management planning process for the Lakeshore has identified a need for a formal wilderness study;

(5) all land within the Lakeshore that might be suitable for designation as wilderness are zoned and managed to protect wilderness characteristics pending completion of such a study;

(6) several historic lighthouses within the Lakeshore are in danger of structural damage due to severe erosion;

(7) the Secretary of the Interior has been unable to take full advantage of cooperative agreements with Federal, State, local, and tribal governmental agencies, institutions of higher education, and other nonprofit organizations that could assist the National Park Service by contributing to the management of the Lakeshore;

(8) because of competing needs in other units of the National Park System, the standard authorizing and budgetary process has not resulted in updated legislative authority and necessary funding for improvements to the Lakeshore; and

(9) the need for improvements to the Lakeshore and completion of a wilderness study should be accorded a high priority among National Park Service activities.

(c) DEFINITIONS.—In this section:

(1) LAKESHORE.—The term ''Lakeshore'' means the Apostle Islands National Lakeshore.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(d) WILDERNESS STUDY.—In fulfillment of the responsibilities of the Secretary under the Wilderness Act (16 U.S.C. 1131 et seq.) and of applicable agency policy, the Secretary shall evaluate areas of land within the Lakeshore for inclusion in the National Wilderness System.

(e) APOSTLE ISLANDS LIGHTHOUSES.—The Secretary shall undertake appropriate action (including protection of the bluff toe beneath the lighthouses, stabilization of the bank face, and dewatering of the area immediately shoreward of the bluffs) to protect the lighthouse structures at Raspberry Lighthouse and Outer Island Lighthouse on the Lakeshore.

(f) COOPERATIVE AGREEMENTS.—Section 6 of Public Law 91–424 (16 U.S.C. 460w–5) is amended—

(1) by striking ''SEC. 6. The lakeshore'' and inserting the following:

''SEC. 6. MANAGEMENT.

''(a) IN GENERAL.—The lakeshore''; and

(2) by adding at the end the following:

''(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with a Federal, State, tribal, or local government agency or a nonprofit private entity if the Secretary determines that a cooperative agreement would be beneficial in carrying out section 7.''.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $200,000 to carry out subsection (d); and

(2) $3,900,000 to carry out subsection (e).

SEC. 504. HARRIET TUBMAN SPECIAL RESOURCE STUDY.

(a) SHORT TITLE.—This section may be cited as the ''Harriet Tubman Special Resource Study Act''.

(b) FINDINGS.—Congress finds that—

(1) Harriet Tubman was born into slavery on a plantation in Dorchester County, Maryland, in 1821;

(2) in 1849, Harriet Tubman escaped the plantation on foot, using the North Star for direction and following a route through Maryland, Delaware, and Pennsylvania to Philadelphia, where she gained her freedom;

(3) Harriet Tubman is an important figure in the history of the United States, and is most famous for her role as a ''conductor'' on the Underground Railroad, in which, as a fugitive slave, she helped hundreds of enslaved individuals to escape to freedom before and during the Civil War;

(4) during the Civil War, Harriet Tubman served the Union Army as a guide, spy, and nurse;

(5) after the Civil War, Harriet Tubman was an advocate for the education of black children;

(6) Harriet Tubman settled in Auburn, New York, in 1857, and lived there until 1913;

(7) while in Auburn, Harriet Tubman dedicated her life to caring selflessly and tirelessly for people who could not care for themselves, was an influential member of the community and an active member of the Thompson Memorial A.M.E. Zion Church, and established a home for the elderly;

(8) Harriet Tubman was a friend of William Henry Seward, who served as the Governor of and a Senator from the State of New York and as Secretary of State under President Abraham Lincoln;

(9) 4 sites in Auburn that directly relate to Harriet Tubman and are listed on the National Register of Historic Places are—

(A) Harriet Tubman's home;

(B) the Harriet Tubman Home for the Aged;

(C) the Thompson Memorial A.M.E. Zion Church; and

(D) Harriet Tubman Home for the Aged and William Henry Seward's home in Auburn are national historic landmarks.

(c) SPECIAL RESOURCES STUDY OF SITES ASSOCIATED WITH HARRIET TUBMAN.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct a special resource study of the national significance, feasibility of long-term preservation, and public use of the following sites associated with Harriet Tubman:

(A) Harriet Tubman's Birthplace, located on Greenbriar Road, off of Route 50, in Dorchester County, Maryland.

(B) Bazel Church, located 1 mile South of Greenbriar Road in Cambridge, Maryland.

(C) Harriet Tubman's home, located at 182 South Street, Auburn, New York.

(D) The Harriet Tubman Home for the Aged, located at 180 South Street, Auburn, New York.

(E) The Thompson Memorial A.M.E. Zion Church, located at 33 Parker Street, Auburn, New York.

(F) Harriet Tubman's grave at Fort Hill Cemetery, located at 19 Fort Street, Auburn, New York.

(G) William Henry Seward's home, located at 33 South Street, Auburn, New York.

(2) INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of—

(A) designating one or more of the sites specified in paragraph (1) as units of the National Park System; and

(B) establishing a national heritage corridor that incorporates the sites specified in paragraph (1) and any other sites associated with Harriet Tubman.

(d) STUDY GUIDELINES.—In conducting the study authorized by this section, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in Section 8 of P.L. 91–383, as amended by Section 303 of the National Park Omnibus Management Act ((P.L. 105–391), 112 Stat. 3501).

(e) CONSULTATION.—In preparing and conducting the study under subsection (c), the Secretary shall consult with—

(1) the Governors of the States of Maryland and New York;

(2) a member of the Board of County Commissioners of Dorchester County, Maryland;

(3) the Mayor of the city of Auburn, New York;

(4) the owner of the sites specified in subsection (c); and

(5) the appropriate representatives of—

(A) the Thompson Memorial A.M.E. Zion Church;

(B) the Bazel Church;

(C) the Harriet Tubman Foundation; and

(D) the Harriet Tubman Organization, Inc.

(f) REPORT.—Not later than 2 years after the date on which funds are made available for the study under subsection (c), the Secretary shall submit to Congress a report describing the results of the study.

SECTION 505. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.

Section 6(g) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410–4(g)) is amended by striking ''thirty'' and inserting ''40''.

SEC. 506. UPPER HOUSATIONIC VALLEY NATIONAL HERITAGE AREA STUDY.

(a) SHORT TITLE.—This section may be cited as the ''Upper Housatonic Valley National Heritage Area Study Act of 2000''.

(b) Definitions.—

In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''Study Area'' means the Upper Housatonic Valley National Heritage Area, comprised of—

(A) the part of the watershed of the Housatonic River, extending 60 miles from Lanesboro, Massachusetts, to Kent, Connecticut;

(B) the towns of Canaan, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren, Connecticut; and

(C) the towns of Alford, Dalton, Egremont, Great Barrington, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge, Massachusetts.

(c) AUTHORIZATION OF STUDY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this section, the Secretary shall complete a study of the Study Area.

(2) INCLUSIONS.—The study shall determine, through appropriate analysis and documentation, whether the Study Area—

(A) includes an assemblage of natural, historical, and cultural resources that represent distinctive aspects of the heritage of the United States that—

(i) are worthy of recognition, conservation, interpretation, and continued use; and

(ii) would best be managed—

(I) through partnerships among public and private entities; and

(II) by combining diverse and, in some cases, noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(C) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to any theme of the Study Area that retains a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Study Area;

(ii) have developed a conceptual financial plan that outlines the roles of all participants for development and management of the Study Area, including the Federal Government; and

(iii) have demonstrated support for the concept of a national heritage area;

(G) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and State and local governments to develop a national heritage area consistent with continued State and local economic activity; and

(H) is depicted on a conceptual boundary map that is supported by the public.

(3) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(A) State historic preservation officers;

(B) State historical societies; and

(C) other appropriate organizations.

(4) REPORT.—Not later than 3 fiscal years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $300,000 to carry out this section.

SEC. 507. STUDY OF THE WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE.

(a) IN GENERAL.—Not later than 2 years after the date on which funds are made available to carry out this title, the Secretary of the Interior (referred to in this title as the ''Secretary'') shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a resource study of the approximately 600-mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Jean Baptiste Donatien de Vimeur, comte de Rochambeau, during the Revolutionary War.

(b) CONSULTATION.—In carrying out the study under subsection (a), the Secretary shall consult with—

(1) State and local historical associations and societies;

(2) State historic preservation agencies; and

(3) other appropriate organizations.

(c) CONTENTS.—The study under subsection (a) shall—

(1) identify the full range of resources and historic themes associated with the route referred to in subsection (a), including the relationship of the route to the Revolutionary War;

(2) identify alternatives for involvement by the National Park Service in the preservation and interpretation of the route referred to in subsection (a); and

(3) include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified under paragraph (2).

(d) COORDINATION WITH OTHER CONGRESSIONALLY MANDATED ACTIVITIES.—

(1) IN GENERAL.—The study under subsection (a) shall be carried out in coordination with—

(A) the study authorized under section 603 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 1a–5 note; Public Law 104–333); and

(B) the Crossroads of the American Revolution special resource study authorized by section 326(b)(3)(D) of H.R. 3423 of the 106th Congress, as enacted by section 1000(a)(3) of Public Law 106–113 (113 Stat. 1535, 1501A–194).

(2) RESEARCH.—Coordination under paragraph (1) shall—

(A) extend to—

(i) any research needed to complete the studies described in subparagraphs (A) and (B) of paragraph (1); and

(ii) any findings and implementation actions that result from completion of those studies; and

(B) use available resources to the maximum extent practicable to avoid unnecessary duplication of effort.

TITLE VI—PEOPLING OF AMERICA THEME STUDY

SECTION 601. SHORT TITLE.

This title may be cited as the ''Peopling of America Theme Study Act''.

SEC. 602. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the ''peopling of America''; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United States and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a–5 note; Public Law 101–628), that ''the Secretary shall ensure that the full diversity of American history and prehistory are represented'' in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that ''people are the primary agents of change'' and establishes the theme of human population movement and change—or ''peopling places''—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

(b) PURPOSES.—The purposes of this Act are—

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and events otherwise not recognized in the peopling of the United States.

SEC. 603. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) THEME STUDY.—The term ''theme study'' means the national historic landmark theme study required under section 604.

(3) PEOPLING OF AMERICA.—The term ''peopling of America'' means the migration to and within, and the settlement of, the United States.

SEC. 604. THEME STUDY.

(a) IN GENERAL.—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) PURPOSE.—The purpose of the theme study shall be to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) IDENTIFICATION AND DESIGNATION OF POTENTIAL NEW NATIONAL HISTORIC LANDMARKS.—

(1) IN GENERAL.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) LIST OF APPROPRIATE SITES.—The theme study shall—

(A) include a list in order of importance or merit of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic Places.

(3) DESIGNATION.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) NATIONAL PARK SYSTEM.—

(1) IDENTIFICATION OF SITES WITHIN CURRENT UNITS.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) IDENTIFICATION OF NEW SITES.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) CONTINUING AUTHORITY.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) PUBLIC EDUCATION AND RESEARCH.—

(1) LINKAGES.—

(A) ESTABLISHMENT.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and (ii) between—

(I) regions, areas, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) PURPOSE.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) COOPERATIVE ARRANGEMENTS.—On the basis of the theme study, the Secretary shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) EDUCATIONAL INITIATIVES.—

(A) IN GENERAL.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) COOPERATIVE PROGRAMS.—On the basis of the theme study, the Secretary shall implement cooperative programs to encourage the preservation and interpretation of the peopling of America.

SEC. 605. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE VII—BIG HORN AND WASHAKIE COUNTIES, WYOMING LAND CONVEYANCE.

SECTION 701. CONVEYANCE.

(a) IN GENERAL.—On completion of an environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this Act as the ''Secretary''), shall convey to the Westside Irrigation District, Wyoming (referred to in this Act as ''Westside''), all right, title, and interest (excluding the mineral interest of the United States in and to such portions of the Federal land in Big Horn County and Washakie County, Wyoming, described in subsection (c), as the district enters into an agreement with the Secretary to purchase.

(b) PRICE.—The price of the land conveyed under subsection (a) shall be equal to the appraised value of the land, as determined by the Secretary.

(c) LAND DESCRIPTION.—

(1) IN GENERAL.—The land referred to in subsection (a) is the approximately 16,500 acres of land in Big Horn County and Washakie County, Wyoming, as depicted on the map entitled ''Westside Project'' and dated May 9, 2000.

(2) ADJUSTMENT.—On agreement of the Secretary and Westside, acreage may be added to or subtracted from the land to be conveyed as necessary to satisfy any mitigation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) USE OF PROCEEDS.—Proceeds of the sale of land under subsection (a) shall be deposited in a special account in the Treasury of the United States and shall be available to the Secretary of the Interior, without further Act of appropriation, for the acquisition of land and interests in land in the Worland District of the Bureau of Land Management in the State of Wyoming that will benefit public recreation, public access, fish and wildlife habitat, * * *

TITLE VIII—COAL ACREAGE LIMITATIONS

SECTION 801. SHORT TITLE.

This title may be cited as the ''Coal Market Competition Act of 2000''.

SEC. 802. FINDINGS.

Congress finds that—

(1) Federal land contains commercial deposits of coal, the Nation's largest deposits of coal being located on Federal land in Utah, Colorado, Montana, and the Powder River Basin of Wyoming;

(2) coal is mined on Federal land through Federal coal leases under the Act of February 25, 1920 (commonly known as the ''Mineral Leasing Act'') (30 U.S.C. 181 et seq.);

(3) the sub-bituminous coal from these mines is low in sulfur, making it the cleanest burning coal for energy production;

(4) the Mineral Leasing Act sets for each leasable mineral a limitation on the amount of acreage of Federal leases any one producer may hold in any one State or nationally;

(5)(A) the present acreage limitation for Federal coal leases has been in place since 1976;

(B) currently the coal lease acreage limit of 46,080 acres per State is less than the per-State Federal lease acreage limit for potash (96,000 acres) and oil and gas (246,080 acres);

(6) coal producers in Wyoming and Utah are operating mines on Federal leaseholds that contain total acreage close to the coal lease acreage ceiling;

(7) the same reasons that Congress cited in enacting increases for State lease acreage caps applicable in the case of other minerals—the advent of modern mine technology, changes in industry economics, greater global competition, and the need to conserve Federal resources—apply to coal;

(8) existing coal mines require additional lease acreage to avoid premature closure, but those mines cannot relinquish mined-out areas to lease new acreage because those areas are subject to 10-year reclamation plans, and the reclaimed acreage is counted against the State and national acreage limits;

(9) to enable them to make long-term business decisions affecting the type and amount of additional infrastructure investments, coal producers need certainty that sufficient acreage of leasable coal will be available for mining in the future; and

(10) to maintain the vitality of the domestic coal industry and ensure the continued flow of valuable revenues to the Federal and State governments and of energy to the American public from coal production on Federal land, the Mineral Leasing Act should be amended to increase the acreage limitation for Federal coal leases.

SEC. 803. COAL MINING ON FEDERAL LAND.

Section 27(a) of the Act of February 25, 1920 (30 U.S.C. 184(a)), is amended—

(1) by striking ''(a)'' and all that follows through ''No person'' and inserting ''(a) COAL LEASES.—No person'';

(2) by striking ''forty-six thousand and eighty acres'' and inserting ''75,000 acres''; and

(3) by striking ''one hundred thousand acres'' each place it appears and inserting ''150,000 acres''.

TITLE IX—KENAI MOUNTAINS—TURNAGAIN ARM NATIONAL HERITAGE AREA.

SECTION 901. SHORT TITLE.

This title may be cited as the ''Kenai Mountains-Turnagain Arm National Heritage Area Act of 2000''.

SEC. 902. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Kenai Mountains-Turnagain Arm transportation corridor is a major gateway to Alaska and includes a range of transportation routes used first by indigenous people who were followed by pioneers who settled the Nation's last frontier;

(2) the natural history and scenic splendor of the region are equally outstanding; vistas of nature's power include evidence of earthquake subsidence, recent avalanches, retreating glaciers, and tidal action along Turnagain Arm, which has the world's second greatest tidal range;

(3) the cultural landscape formed by indigenous people and then by settlement, transportation, and modern resource development in this rugged and often treacherous natural setting stands as powerful testimony to the human fortitude, perseverance, and resourcefulness that is America's proudest heritage from the people who settled the frontier;

(4) there is a national interest in recognizing, preserving, promoting, and interpreting these resources;

(5) the Kenai Mountains-Turnagain Arm region is geographically and culturally cohesive because it is defined by a corridor of historical routes—trail, water, railroad, and roadways through a distinct landscape of mountains, lakes, and fjords;

(6) national significance of separate elements of the region include, but are not limited to, the Iditarod National Historic Trail, the Seward Highway National Scenic Byway, and the Alaska Railroad National Scenic Railroad;

(7) national heritage area designation provides for the interpretation of these routes, as well as the national historic districts and numerous historic routes in the region as part of the whole picture of human history in the wider transportation corridor including early Native trade routes, connections by waterway, mining trail, and other routes;

(8) national heritage area designation also provides communities within the region with the motivation and means for ''grassroots'' regional coordination and partnerships with each other and with borough, State, and Federal agencies; and

(9) national heritage area designation is supported by the Kenai Peninsula Historical Association, the Seward Historical Commission, the Seward City Council, the Hope and Sunrise Historical Society, the Hope Chamber of Commerce, the Alaska Association for Historic Preservation, the Cooper Landing Community Club, the Alaska Wilderness Recreation and Tourism Association, Anchorage Historic Properties, the Anchorage Convention and Visitors Bureau, the Cook Inlet Historical Society, the Moose Pass Sportsman's Club, the Alaska Historical Commission, the Gridwood Board of Supervisors, the Kenai River Special Management Area Advisory Board, the Bird/Indian Community Council, the Kenai Peninsula Borough Trails Commission, the Alaska Division of Parks and Recreation, the Kenai Peninsula Borough, the Kenai Peninsula Tourism Marketing Council, and the Anchorage Municipal Assembly.

(b) PURPOSES.—The purposes of this title are—

(1) to recognize, preserve, and interpret the historic and modern resource development and cultural landscapes of the Kenai Mountains-Turnagain Arm historic transportation corridor, and to promote and facilitate the public enjoyment of these resources; and

(2) to foster, through financial and technical assistance, the development of cooperative planning and partnerships among the communities and borough, State, and Federal Government entities.

SEC. 903. DEFINITIONS.

In this title:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Kenai Mountains-Turnagain Arm National Heritage Area established by section 4(a) of this Act.

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the 11-member Board of Directors of the Kenai Mountains-Turnagain Arm National Heritage Corridor Communities Association.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 904. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall comprise the lands in the Kenai Mountains and upper Turnagain Arm region generally depicted on the map entitled ''Kenai Peninsula/Turnagain Arm National Heritage Corridor'', numbered ''Map #KMTA–1'', and dated ''August 1999''. The map shall be on file and available for public inspection in the offices of the Alaska Regional Office of the National Park Service and in the offices of the Alaska State Heritage Preservation Officer.

SEC. 905. MANAGEMENT ENTITY.

(a) The Secretary shall enter into a cooperative agreement with the management entity to carry out the purposes of this title. The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including the following:

(1) A discussion of the goals and objectives of the Heritage Area.

(2) An explanation of the proposed approach to conservation and interpretation of the Heritage Area.

(3) A general outline of the protection measures, to which the management entity commits.

(b) Nothing in this title authorizes the management entity to assume any management authorities or responsibilities on Federal lands.

(c) Representatives of other organizations shall be invited and encouraged to participate with the management entity and in the development and implementation of the management plan, including but not limited to: The State Division of Parks and Outdoor Recreation; the State Division of Mining, Land and Water; the Forest Service; the State Historic Preservation Office; the Kenai Peninsula Borough; the Municipality of Anchorage; the Alaska Railroad; the Alaska Department of Transportation; and the National Park Service.

(d) Representation of ex officio members in the nonprofit corporation shall be established under the bylaws of the management entity.

SEC. 906. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the Secretary enters into a cooperative agreement with the management entity, the management entity shall develop a management plan for the Heritage Area, taking into consideration existing Federal, State, borough, and local plans.

(2) CONTENTS.—The management plan shall include, but not be limited to—

(A) comprehensive recommendations for conservation, funding, management, and development of the Heritage Area;

(B) a description of agreements on actions to be carried out by Government and private organizations to protect the resources of the Heritage Area;

(C) a list of specific and potential sources of funding to protect, manage, and develop the Heritage Area;

(D) an inventory of resources contained in the Heritage Area; and

(E) a description of the role and participation of other Federal, State and local agencies that have jurisdiction on lands within the Heritage Area.

(b) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the cooperative agreement with the Secretary and the heritage plan, including assisting communities within the region in—

(1) carrying out programs which recognize important resource values in the Heritage Area;

(2) encouraging economic viability in the affected communities;

(3) establishing and maintaining interpretive exhibits in the Heritage Area;

(4) improving and interpreting heritage trails;

(5) increasing public awareness and appreciation for the natural, historical, and cultural resources and modern resource development of the Heritage Area;

(6) restoring historic buildings and structures that are located within the boundaries of the Heritage Area; and

(7) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are placed throughout the Heritage Area.

(c) PUBLIC MEETINGS.—The management entity shall conduct 2 or more public meetings each year regarding the initiation and implementation of the management plan for the Heritage Area. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

SEC. 907. DUTIES OF THE SECRETARY.

(a) The Secretary, in consultation with the Governor of Alaska, or his designee, is authorized to enter into a cooperative agreement with the management entity. The cooperative agreement shall be prepared with public participation.

(b) In accordance with the terms and conditions of the cooperative agreement and upon the request of the management entity, and subject to the availability of funds, the Secretary may provide administrative, technical, financial, design, development, and operations assistance to carry out the purposes of this title.

SEC. 908. SAVINGS PROVISIONS.

(a) REGULATORY AUTHORITY.—Nothing in this title shall be construed to grant powers of zoning or management of land use to the management entity of the Heritage Area.

(b) EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to manage or regulate any use of land as provided for by law or regulation.

(c) EFFECT ON BUSINESS.—Nothing in this title shall be construed to obstruct or limit business activity on private development or resource development activities.

SEC. 909. PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.

The management entity may not use funds appropriated to carry out the purposes of this Act to acquire real property or interest in real property.

SEC. 910. AUTHORIZATION OF APPROPRIATIONS.

(a) FIRST YEAR.—For the first year $350,000 is authorized to be appropriated to carry out the purposes of this title, and is made available upon the Secretary and the management entity completing a cooperative agreement.

(b) IN GENERAL.—There is authorized to be appropriated not more than $1,000,000 to carry out the purposes of this title for any fiscal year after the first year. Not more than $10,000,000, in the aggregate, may be appropriated for the Heritage Area.

(c) MATCHING FUNDS.—Federal funding provided under this Act shall be matched at least 25 percent by other funds or in-kind services.

(d) SUNSET PROVISION.—The Secretary may not make any grant or provide any assistance under this title beyond 15 years from the date that the Secretary and management entity complete a cooperative agreement.

GREATER YUMA PORT AUTHORITY OF YUMA COUNTY, ARIZONA LEGISLATION

MURKOWSKI (AND OTHERS) AMENDMENT NO. 4330

Mr. SESSIONS (for Mr. MURKOWSKI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill (H.R. 3032) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma

County, Arizona, for use as an international port of entry; as follows:

Strike all after the enacting clause and insert the following:

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Sec. 801. Administration of National Leadership Symposium for American Indian, Alaskan Native, and Native Hawaiian Youth

TITLE I—LAND CONVEYANCE

SEC. 101. CONVEYANCE OF LANDS TO THE GREATER YUMA PORT AUTHORITY.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may, in the 5-year period beginning on the date of the enactment of this section and in accordance with the conditions specified in subsection (b) convey to the Greater Yuma Port Authority the interests described in paragraph (2).

(2) INTERESTS DESCRIBED.—The interests referred to in paragraph (1) are the following:

(A) All right, title, and interest of the United States in and to the lands comprising Section 23, Township 11 South, Range 24 West, G&SRBM, Lots 1–4, NE¼, N½ NW¼, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(B) All right, title, and interest of the United States in and to the lands comprising Section 22, Township 11 South, Range 24 West, G&SRBM, East 300 feet of Lot 1, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(C) All right, title, and interest of the United States in and to the lands comprising Section 24, Township 11 South, Range 24 West, G&SRBM, West 300 feet, excluding lands in the 60-foot border strip, in Yuma County, Arizona.

(D) All right, title, and interest of the United States in and to the lands comprising the East 300 feet of the Southeast Quarter of Section 15, Township 11 South, Range 24 West, G&SRBM, in Yuma County, Arizona.

(E) The right to use lands in the 60-foot border strip excluded under subparagraphs (A), (B), and (C), for ingress to and egress from the international boundary between the United States and Mexico.

(b) DEED COVENANTS AND CONDITIONS.—Any conveyance under subsection (a) shall be subject to the following covenants and conditions:

(1) A reservation of rights-of-way for ditches and canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), as it has been, or may hereafter be amended.

(2) A leasehold interest in Lot 1, and the west 100 feet of Lot 2 in Section 23 for the operation of a Cattle Crossing Facility, currently being operated by the Yuma-Sonora Commercial Company, Incorporated. The lease as currently held contains 24.68 acres, more or less. Any renewal or termination of the lease shall be by the Greater Yuma Port Authority.

(3) Reservation by the United States of a 245-foot perpetual easement for operation and maintenance of the 242 Lateral Canal and Well Field along the northern boundary of the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24 as shown on Reclamation Drawing Nos. 1292–303–3624, 1292–303–3625, and 1292–303–3626.

(4) A reservation by the United States of all rights to the ground water in the East 300 feet of Section 15, the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24, and the right to remove, sell, transfer, or exchange the water to meet the obligations of the Treaty of 1944 with the Republic of Mexico, and Minute Order No. 242 for the delivery of salinity controlled water to Mexico.

(5) A reservation of all rights-of-way and easements existing or of record in favor of the public or third parties.

(6) A right-of-way reservation in favor of the United States and its contractors, and the State of Arizona, and its contractors, to utilize a 33-foot easement along all section lines to freely give ingress to, passage over, and egress from areas in the exercise of official duties of the United States and the State of Arizona.

(7) Reservation of a right-of-way to the United States for a 100-foot by 100-foot parcel for each of the Reclamation monitoring wells, together with unrestricted ingress and egress to both sites. One monitoring well is located in Lot 1 of Section 23 just north of the Boundary Reserve and just west of the Cattle Crossing Facility, and the other is located in the southeast corner of Lot 3 just north of the Boundary Reserve.

(8) An easement comprising a 50-foot strip lying North of the 60-foot International Boundary Reserve for drilling and operation of, and access to, wells.

(9) A reservation by the United States of 15/16 of all gas, oil, metals, and mineral rights.

(10) A reservation of 1/16 of all gas, oil, metals, and mineral rights retained by the State of Arizona.

(11) Such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Greater Yuma Port Authority shall pay the United States consideration equal to the fair market value on the date of the enactment of this Act of the interest conveyed.

(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined taking into account that the land is undeveloped, that 80 acres is intended to be dedicated to use by the United States for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes.

(d) USE.—The Greater Yuma Port Authority and its successors shall use the interests conveyed solely for the purpose of the construction and operation of an international port of entry and related activities.

(e) COMPLIANCE WITH LAWS.—Before the date of the conveyance, actions required with respect to the conveyance under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable Federal laws must be completed at no cost to the United States.

(f) USE OF 60-FOOT BORDER STRIP.—Any use of the 60-foot border strip shall be made in coordination with Federal agencies having authority with respect to the 60-foot border strip.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of property conveyed under this section, and of any right-of-way that is subject to a right of use conveyed pursuant to subsection (a)(2)(E), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Greater Yuma Port Authority.

(h) DEFINITIONS.—As used in this section:

(1) 60-FOOT BORDER STRIP.—The term ''60-foot border strip'' means lands in any of the Sections of land referred to in this Act located within 60 feet of the international boundary between the United States and Mexico.

(2) GREATER YUMA PORT AUTHORITY.—The term ''Greater Yuma Port Authority'' means Trust No. 84–184, Yuma Title & Trust Company, an Arizona Corporation, a trust for the benefit of the Cocopah Tribe, a Sovereign Nation, the County of Yuma, Arizona, the City of Somerton, and the City of San Luis, Arizona, or such other successor joint powers agency or public purpose entity as unanimously designated by those governmental units.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation.

SEC. 102. CONVEYANCE OF LAND TO PARK COUNTY, WYOMING.

(a) FINDINGS.—Congress finds that—

(1) over 82 percent of the land in Park County, Wyoming, is owned by the Federal Government;

(2) the parcel of land described in subsection (d) located in Park County has been

withdrawn from the public domain for reclamation purposes and is managed by the Bureau of Reclamation;

(3) the land has been subject to a withdrawal review, a level I contaminant survey, and historical, cultural, and archaeological resource surveys by the Bureau of Reclamation;

(4) the Bureau of Land Management has conducted a cadastral survey of the land and has determined that the land is no longer suitable for return to the public domain;

(5) the Bureau of Reclamation and the Bureau of Land Management concur in the recommendation of disposal of the land as described in the documents referred to in paragraphs (3) and (4); and

(6) the County has evinced an interest in using the land for the purposes of local economic development.

(b) DEFINITIONS.—In this section:

(1) COUNTY.—The term ''County'' means Park County, Wyoming.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the General Services Administration.

(c) CONVEYANCE.—In consideration of payment of $240,000 to the Administrator by the County, the Administrator shall convey to the County all right, title, and interest of the United States in and to the parcel of land described in subsection (d).

(d) DESCRIPTION OF PROPERTY.—The parcel of land described in this subsection is the parcel located in the County comprising 190.12 acres, the legal description of which is as follows:

Sixth Principal Meridian, Park County, Wyoming

T. 53 N., R. 101 W.	*Acreage*
Section 20, S½SE¼SW¼SE¼	5.00
Section 29, Lot 7	9.91
Lot 9	38.24
Lot 10	31.29
Lot 12	5.78
Lot 13	8.64
Lot 14	0.04
Lot 15	9.73
S½NE¼NE¼NW¼	5.00
SW¼NE¼NW¼	10.00
SE¼NW¼NW¼	10.00
NW¼SW¼NW¼	10.00
Tract 101	13.24
Section 30, Lot 31	16.95
Lot 32	16.30

(e) RESERVATION OF RIGHTS.—The instrument of conveyance under subsection (c) shall reserve all rights to locatable, salable, leaseable coal, oil or gas resources.

(f) LEASES, EASEMENTS, RIGHTS-OF-WAY, AND OTHER RIGHTS.—The conveyance under subsection (c) shall be subject to any land-use leases, easements, rights-of-way, or valid existing rights in existence as of the date of the conveyance.

(g) ENVIRONMENTAL LIABILITY.—As a condition of the conveyance under subsection (c), the United States shall comply with the provisions of section 9620(h) of title 42, United States Code.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (c) as the Administrator considers appropriate to protect the interests of the United States.

(i) TREATMENT OF AMOUNTS RECEIVED.—The net proceeds received by the United States as payment under subsection (c) shall be deposited into the fund established in section 490(f) of title 40 of the United States Code, and may be expended by the Administrator for real property management and related activities not otherwise provided for, without further authorization.

SEC. 103. CONVEYANCE TO LANDUSKY SCHOOL DISTRICT, MONTANA

Subject to valid existing rights, the Secretary of the Interior shall issue to the Landudky School District, without consideration, a patent for the surface and mineral estates of approximately 2.06 acres of land as follows: T.25 N, R.24 E, Montana Prime Meridian, section 27 block 2, school reserve, and section 27, block 3, lot 13.

TITLE II—GOLDEN SPIKE/CROSSROADS OF THE WEST NATIONAL HERITAGE AREA STUDY

SEC. 201. AUTHORIZATION OF STUDY.

(a) DEFINITIONS.—For the purposes of this section:

(1) GOLDEN SPIKE RAIL STUDY.—The term ''Golden Spike Rail Study'' means the Golden Spike Rail Feasibility Study, Reconnaissance Survey, Ogden, Utah to Golden Spike National Historic Site'', National Park Service, 1993.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STUDY AREA.—The term ''Study Area'' means the Golden Spike/Crossroads of the West National Heritage Area Study Area, the boundaries of which are described in subsection (d).

(b) IN GENERAL.—The Secretary shall conduct a study of the Study Area which includes analysis and documentation necessary to determine whether the Study Area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities;

(2) reflects traditions, customs, beliefs, and folk-life that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments who have demonstrated support for the concept of a National Heritage Area; and

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a National Heritage Area consistent with continued local and State economic activity.

(c) CONSULTATION.—In conducting the study, the Secretary shall—

(1) consult with the State Historic Preservation Officer, State Historical Society, and other appropriate organizations; and

(2) use previously completed materials, including the Golden Spike Rail Study.

(d) BOUNDARIES OF STUDY AREA.—The Study Area shall be comprised of sites relating to completion of the first transcontinental railroad in the State of Utah, concentrating on those areas identified on the map included in the Golden Spike Rail Study.

(e) REPORT.—Not later than 3 fiscal years after funds are first made available to carry out this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings and conclusions of the study and recommendations based upon those findings and conclusions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this section.

SEC. 202. CROSSROADS OF THE WEST HISTORIC DISTRICT.

(a) PURPOSES.—The purposes of this section are—

(1) to preserve and interpret, for the educational and inspirational benefit of the public, the contribution to our national heritage of certain historic and cultural lands and edifices of the Crossroads of the West Historic District; and

(2) to enhance cultural and compatible economic redevelopment within the District.

(b) DEFINITIONS.—For the purposes of this section:

(1) DISTRICT.—The term ''District'' means the Crossroads of the West Historic District established by subsection (c).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) HISTORIC INFRASTRUCTURE.—The term ''historic infrastructure'' means the District's historic buildings and any other structure that the Secretary determines to be eligible for listing on the National Register of Historic Places.

(c) CROSSROADS OF THE WEST HISTORIC DISTRICT.—

(1) ESTABLISHMENT.—There is established the Crossroads of the West Historic District in the city of Ogden, Utah.

(2) BOUNDARIES.—The boundaries of the District shall be the boundaries depicted on the map entitled ''Crossroads of the West Historic District'', numbered OGGO-20,000, and dated March 22, 2000. The map shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

(d) DEVELOPMENT PLAN.—The Secretary may make grants and enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities under which the Secretary agrees to pay not more than 50 percent of the costs of—

(1) preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District;

(2) implementation of projects approved by the Secretary under the development plan described in paragraph (1); and

(3) an analysis assessing measures that could be taken to encourage economic development and revitalization within the District in a manner consistent with the District's historic character.

(e) RESTORATION, PRESERVATION, AND INTERPRETATION OF PROPERTIES.—

(1) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities owning property within the District under which the Secretary may—

(A) pay not more than 50 percent of the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District;

(B) provide technical assistance with respect to the preservation and interpretation of properties within the District; and

(C) mark and provide interpretation of properties within the District.

(2) NON-FEDERAL CONTRIBUTIONS.—When determining the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District for the purposes of paragraph (1)(A), the Secretary may consider any donation of property, services, or goods from a non-Federal source as a contribution of funds from a non-Federal source.

(3) PROVISIONS.—A cooperative agreement under paragraph (1) shall provide that—

(A) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes;

(B) no change or alteration may be made in the property except with the agreement of

the property owner, the Secretary, and any Federal agency that may have regulatory jurisdiction over the property; and

(C) any construction grant made under this section shall be subject to an agreement that provides—

(I) that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section shall result in a right of the United States to compensation from the beneficiary of the grant; and

(II) for a schedule for such compensation based on the level of Federal investment and the anticipated useful life of the project.

(4) APPLICATIONS.—

(A) IN GENERAL.—A property owner that desires to enter into a cooperative agreement under paragraph (1) shall submit to the Secretary an application describing how the project proposed to be funded will further the purposes of the management plan developed for the District.

(B) CONSIDERATION.—In making such funds available under this subsection, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not more than $1,000,000 for any fiscal year and not more than $5,000,000 total.

TITLE III—BLACK ROCK DESERT-HIGH ROCK CANYON EMIGRANT TRAILS NATIONAL CONSERVATION AREA

SEC. 301. SHORT TITLE.

This title may be cited as the ''Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000''.

SEC. 302. FINDINGS.

The Congress finds the following:

(1) The areas of northwestern Nevada known as the Black Rock Desert and High Rock Canyon contain and surround the last nationally significant, untouched segments of the historic California emigrant Trails, including wagon ruts, historic inscriptions, and a wilderness landscape largely unchanged since the days of the pioneers.

(2) The relative absence of development in the Black Rock Desert and high Rock Canyon areas from emigrant times to the present day offers a unique opportunity to capture the terrain, sights, and conditions of the overland trails as they were experienced by the emigrants and to make available to both present and future generations of Americans the opportunity of experiencing emigrant conditions in an unaltered setting.

(3) The Black Rock Desert and High Rock Canyon areas are unique segments of the Northern Great Basin and contain broad representation of the Great Basin's land forms and plant and animal species, including golden eagles and other birds of prey, sage grouse, mule deer, pronghorn antelope, bighorn sheep, free roaming horses and burros, threatened fish and sensitive plants.

(4) The Black Rock-High Rock region contains a number of cultural and natural resources that have been declared eligible for National Historic Landmark and Natural Landmark status, including a portion of the 1843–44 John Charles Fremont exploration route, the site of the death of Peter Lassen, early military facilities, and examples of early homesteading and mining.

(5) The archeological, paleontological, and geographical resources of the Black Rock-High Rock region include numerous prehistoric and historic Native American sites, wooly mammoth sites, some of the largest natural potholes of North America, and a remnant dry Pleistocene lakebed (playa) where the curvature of the Earth may be observed.

(6) The two large wilderness mosaics that frame the conservation area offer exceptional opportunities for solitude and serve to protect the integrity of the viewshed of the historic emigrant trails.

(7) Public lands in the conservation area have been used for domestic livestock grazing for over a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of the resource values of these lands; therefore, it is expected that such grazing will continue in accordance with the management plan for the conservation area and other applicable laws and regulations.

(8) The Black Rock Desert playa is a unique natural resource that serves as the primary destination for the majority of visitors to the conservation area, including visitors associated with large-scale permitted events. It is expected that such permitted events will continue to be administered in accordance with the management plan for the conservation area and other applicable laws and regulations.

SEC. 303. DEFINITIONS.

As used in this title:

(1) The term ''Secretary'' means the Secretary of the Interior.

(2) The term ''public lands'' has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(3) The term ''conservation area'' means the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area established pursuant to section 304 of this title.

SEC. 304. ESTABLISHMENT OF CONSERVATION AREA.

(a) ESTABLISHMENT AND PURPOSES.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, cultural, paleontological, scenic, scientific, biological, educational, wildlife, riparian, wilderness, endangered species, and recreational values and resources associated with the Applegate-Lassen and Nobles Trails corridors and surrounding areas, there is hereby established the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area in the State of Nevada.

(b) AREAS INCLUDED.—The conservation area shall consist of approximately 797,100 acres of public lands as generally depicted on the map entitled ''Black Rock Desert Emigrant Trail National Conservation Area'' and dated July 19, 2000.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this title, the Secretary shall submit to Congress a map and legal description of the conservation area. The map and legal description shall have the same force and effect as if included in this title, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 305. MANAGEMENT.

(a) MANAGEMENT.—The Secretary, acting through the Bureau of Land Management, shall manage the conservation area in a manner that conserves, protects and enhances its resources and values, including those resources and values specified in section 304(a), in accordance with this title, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law.

(b) ACCESS.—

(1) IN GENERAL.—The Secretary shall maintain adequate access for the reasonable use and enjoyment of the conservation area.

(2) PRIVATE LAND.—The Secretary shall provide reasonable access to privately owned land or interests in land within the boundaries of the conservation area.

(3) EXISTING PUBLIC ROADS.—The Secretary is authorized to maintain existing public access within the boundaries of the conservation area in a manner consistent with the purposes for which the conservation area was established.

(c) USES.—

(1) IN GENERAL.—The Secretary shall only allow such uses of the conservation area as the Secretary finds will further the purposes for which the conservation area is established.

(2) OFF-HIGHWAY VEHICLE USE.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area shall be permitted only on roads and trails and in other areas designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (e).

(3) PERMITTED EVENTS.—The Secretary may continue to permit large-scale events in defined, low impact areas of the Black Rock Desert playa in the conservation area in accordance with the management plan prepared pursuant to subsection (e).

(d) HUNTING, TRAPPING, AND FISHING.—Nothing in this title shall be deemed to diminish the jurisdiction of the State of Nevada with respect to fish and wildlife management, including regulation of hunting and fishing, on public lands within the conservation area.

(e) MANAGEMENT PLAN.—Within three years following the date of enactment of this title, the Secretary shall develop a comprehensive resource management plan for the long-term protection and management of the conservation area. The plan shall be developed with full public participation and shall describe the appropriate uses and management of the conservation area consistent with the provisions of this title. The plan may incorporate appropriate decisions contained in any current management or activity plan for the area and may use information developed in previous studies of the lands within or adjacent to the conservation area.

(f) GRAZING.—Where the Secretary of the Interior currently permits livestock grazing in the conservation area, such grazing shall be allowed to continue subject to all applicable laws, regulations, and executive orders.

(g) VISITOR SERVICE FACILITIES.—The Secretary is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, visitor service facilities for the purpose of providing information about the historical, cultural, ecological, recreational, and other resources of the conservation area.

SEC. 306. WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, from operation of the mineral leasing and geothermal leasing laws and from the minerals materials laws and all amendments thereto.

SEC. 307. NO BUFFER ZONES.

The Congress does not intend for the establishment of the conservation area to lead to the creation of protective perimeters or buffer zones around the conservation area. The fact that there may be activities or uses on lands outside the conservation area that would not be permitted in the conservation area shall not preclude such activities or

uses on such lands up to the boundary of the conservation area consistent with other applicable laws.

SEC. 308. WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Black Rock Desert Wilderness Study Area comprised of approximately 315,700 acres, as generally depicted on a map entitled ''Black Rock Desert Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Black Rock Desert Wilderness.

(2) Certain lands in the Pahute Peak Wilderness Study Area comprised of approximately 57,400 acres, as generally depicted on a map entitled ''Pahute Peak Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Pahute Peak Wilderness.

(3) Certain lands in the North Black Rock Range Wilderness Study Area comprised of approximately 30,800 acres, as generally depicted on a map entitled ''North Black Rock Range Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the North Black Rock Range Wilderness.

(4) Certain lands in the East Fork High Rock Canyon Wilderness Study Area comprised of approximately 52,800 acres, as generally depicted on a map entitled ''East Fork High Rock Canyon Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the East Fork High Rock Canyon Wilderness.

(5) Certain lands in the High Rock Lake Wilderness Study Area comprised of approximately 59,300 acres, as generally depicted on a map entitled ''High Rock Lake Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the High Rock Lake Wilderness.

(6) Certain lands in the Little High Rock Canyon Wilderness Study Area comprised of approximately 48,700 acres, as generally depicted on a map entitled ''Little High Rock Canyon Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Little High Rock Canyon Wilderness.

(7) Certain lands in the High Rock Canyon Wilderness Study Area and Yellow Rock Canyon Wilderness Study Area comprised of approximately 46,600 acres, as generally depicted on a map entitled ''High Rock Canyon Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the High Rock Canyon Wilderness.

(8) Certain lands in the Calico Mountains Wilderness Study Area comprised of approximately 65,400 acres, as generally depicted on a map entitled ''Calico Mountains Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the Calico Mountains Wilderness.

(9) Certain lands in the South Jackson Mountains Wilderness Study Area comprised of approximately 56,800 acres, as generally depicted on a map entitled ''South Jackson Mountains Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the South Jackson Mountains Wilderness.

(10) Certain lands in the North Jackson Mountains Wilderness Study Area comprised of approximately 24,000 acres, as generally depicted on a map entitled ''North Jackson Mountains Wilderness—Proposed'' and dated July 19, 2000, and which shall be known as the North Jackson Mountains Wilderness.

(b) ADMINISTRATION OF WILDERNESS AREAS.—Subject to valid existing rights, each wilderness area designated by this title shall be administered by the Secretary in accordance with the provisions of the Wilderness title, except that any reference in such provisions to the effective date of the Wilderness title shall be deemed to be a reference to the date of enactment of this title and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this title, the Secretary shall submit to Congress a map and legal description of the wilderness areas designated under this title. The map and legal description shall have the same force and effect as if included in this title, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) GRAZING.—Within the wilderness areas designated under subsection (a), the grazing of livestock, where established prior to the date of enactment of this title, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 101–628.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE IV—SAINT HELENA ISLAND NATIONAL SCENIC AREA

SEC. 401. SHORT TITLE.

This title may be cited as the ''Saint Helena Island National Scenic Area Act''.

SEC. 402. ESTABLISHMENT OF SAINT HELENA ISLAND NATIONAL SCENIC AREA, MICHIGAN.

(a) PURPOSE.—The purposes of this title are—

(1) to preserve and protect for present and future generations the outstanding resources and values of Saint Helena Island in Lake Michigan, Michigan; and

(2) to provide for the conservation, protection, and enhancement of primitive recreation opportunities, fish and wildlife habitat, vegetation, and historical and cultural resources of the island.

(b) ESTABLISHMENT.—For the purposes described in subsection (a), there shall be established the Saint Helena Island National Scenic Area (in this title referred to as the ''scenic area'').

(c) EFFECTIVE UPON CONVEYANCE.—Subsection (b) shall be effective upon conveyance of satisfactory title to the United States of the whole of Saint Helena Island, except that portion conveyed to the Great Lakes Lighthouse Keepers Association pursuant to section 1001 of the Coast Guard Authorization Act of 1996 (Public Law 104–324; 110 Stat. 3948).

SEC. 403. BOUNDARIES.

(a) SAINT HELENA ISLAND.—The scenic area shall comprise all of Saint Helena Island, in Lake Michigan, Michigan, and all associated rocks, pinnacles, islands, and islets within one-eighth mile of the shore of Saint Helena Island.

(b) BOUNDARIES OF HIAWATHA NATIONAL FOREST EXTENDED.—Upon establishment of the scenic area, the boundaries of the Hiawatha National Forest shall be extended to include all of the lands within the scenic area. All such extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9).

(c) PAYMENTS TO LOCAL GOVERNMENTS.—Solely for purposes of payments to local governments pursuant to section 6902 of title 31, United States Code, lands acquired by the United States under this title shall be treated as entitlement lands.

SEC. 404. ADMINISTRATION AND MANAGEMENT.

(a) ADMINISTRATION.—Subject to valid existing rights, the Secretary of Agriculture (in this title referred to as the ''Secretary'') shall administer the scenic area in accordance with the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes of this title.

(b) SPECIAL MANAGEMENT REQUIREMENTS.—*Within 3 years of the acquisition of 50 percent of the land authorized for acquisition under section 407, the Secretary shall develop an amendment to the land and resources management plan for the Hiawatha National Forest which will direct management of the scenic area*. Such an amendment shall conform to the provisions of this title. Nothing in this title shall require the Secretary to revise the land and resource management plan for the Hiawatha National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). In developing a plan for management of the scenic area, the Secretary shall address the following special management considerations:

(1) PUBLIC ACCESS.—Alternative means for providing public access from the mainland to the scenic area shall be considered, including any available existing services and facilities, concessionaires, special use permits, or other means of making public access available for the purposes of this title.

(2) ROADS.—After the date of the enactment of this title, no new permanent roads shall be constructed within the scenic area.

(3) VEGETATION MANAGEMENT.—No timber harvest shall be allowed within the scenic area, except as may be necessary in the control of fire, insects, and diseases, and to provide for public safety and trail access. Notwithstanding the foregoing, the Secretary may engage in vegetation manipulation practices for maintenance of wildlife habitat and visual quality. Trees cut for these purposes may be utilized, salvaged, or removed from the scenic area as authorized by the Secretary.

(4) MOTORIZED TRAVEL.—Motorized travel shall not be permitted within the scenic area, except on the waters of Lake Michigan, and as necessary for administrative use in furtherance of the purposes of this title.

(5) FIRE.—Wildfires shall be suppressed in a manner consistent with the purposes of this title, using such means as the Secretary deems appropriate.

(6) INSECTS AND DISEASE.—Insect and disease outbreaks may be controlled in the scenic area to maintain scenic quality, prevent tree mortality, or to reduce hazards to visitors.

(7) DOCKAGE.—The Secretary shall provide through concession, permit, or other means docking facilities consistent with the management plan developed pursuant to this section.

(8) SAFETY.—The Secretary shall take reasonable actions to provide for public health and safety and for the protection of the scenic area in the event of fire or infestation of insects or disease.

(c) CONSULTATION.—In preparing the management plan, the Secretary shall consult with appropriate State and local government officials, provide for full public participation, and consider the views of all interested parties, organizations, and individuals.

SEC. 405. FISH AND GAME.

Nothing in this title shall be construed as affecting the jurisdiction or responsibilities of the State of Michigan with respect to fish and wildlife in the scenic area.

SEC. 406. MINERALS.

Subject to valid existing rights, the lands within the scenic area are hereby withdrawn from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing. Also subject to valid existing rights, the Secretary shall not allow any mineral development on federally owned land within the scenic area, except that common varieties of mineral materials, such as stone and gravel, may be utilized only as authorized by the Secretary to the extent necessary for construction and maintenance of roads and facilities within the scenic area.

SEC. 407. ACQUISITION.

(a) ACQUISITION OF LANDS WITHIN THE SCENIC AREA.—The Secretary shall acquire, by purchase from willing sellers, gift, or exchange, lands, waters, structures, or interests therein, including scenic or other easements, within the boundaries of the scenic area to further the purposes of this title.

(b) ACQUISITION OF OTHER LANDS.—The Secretary may acquire, by purchase from willing sellers, gift, or exchange, not more than 10 acres of land, including any improvements thereon, on the mainland to provide access to and administrative facilities for the scenic area.

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

(a) ACQUISITION OF LANDS.—There are hereby authorized to be appropriated such sums as may be necessary for the acquisition of land, interests in land, or structures within the scenic area and on the mainland as provided in section 407.

(b) OTHER PURPOSES.—In addition to the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated such sums as may be necessary for the development and implementation of the management plan under section 404(b).

TITLE V—NATCHEZ TRACE PARKWAY BOUNDARY ADJUSTMENT

SEC. 501. DEFINITIONS.

In this title:

(1) PARKWAY.—The term ''Parkway'' means the Natchez Trace Parkway, Mississippi.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 502. BOUNDARY ADJUSTMENT AND LAND ACQUISITION.

(a) IN GENERAL.—The Secretary shall adjust the boundary of the Parkway to include approximately—

(1) 150 acres of land, as generally depicted on the map entitled ''Alternative Alignments/Area'', numbered 604–20062A and dated May 1998; and

(2) 80 acres of land, as generally depicted on the map entitled ''Emerald Mound Development Concept Plan'', numbered 604–20042E and dated August 1987.

(b) MAPS.—The maps referred to in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ACQUISITION.—The Secretary may acquire the land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange (including exchange with the State of Mississippi, local governments, and private persons).

(d) ADMINISTRATION.—Land acquired under this section shall be administered by the Secretary as part of the Parkway.

SEC. 503. AUTHORIZATION OF LEASING.

The Secretary, acting through the Superintendent of the Parkway, may lease land within the boundary of the Parkway to the city of Natchez, Mississippi, for any purpose compatible with the Parkway.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE VI—DIAMOND VALLEY LAKE INTERPRETIVE CENTER AND MUSEUM

SEC. 601. INTERPRETIVE CENTER AND MUSEUM, DIAMOND VALLEY LAKE, HEMET, CALIFORNIA.

(a) ASSISTANT FOR ESTABLISHMENT OF CENTER AND MUSEUM.—The Secretary of the Interior shall enter into an agreement with an appropriate entity for the purchase of sharing costs incurred to design, construct, furnish, and operate an interpretive center and museum, to be located on lands under the jurisdiction of the Metropolitan Water District of Southern California, intended to preserve, display, and interpret the paleontology discoveries made at and in the vicinity of the Diamond Valley Lake, near Hemet, California, and to promote other historical and cultural resources of the area.

(b) ASSISTANCE FOR NONMOTORIZED TRAILS.—The Secretary shall enter into an agreement with the State of California, a political subdivision of the State, or a combination of State and local public agencies for the purpose of sharing costs incurred to design, construct, and maintain a system of trails around the perimeter of the Diamond Valley Lake for use by pedestrians and nonmotorized vehicles.

(c) MATCHING REQUIREMENT.—The Secretary shall require the other parties to an agreement under this section to secure an amount of funds from non-Federal sources that is at least equal to the amount provided by the Secretary.

(d) TIME FOR AGREEMENT.—The Secretary shall enter into the agreements required by this section not later than 180 days after the date on which funds are first made available to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $14,000,000 to carry out this section.

TITLE VII—TECHNICAL AMENDMENTS TO ALASKA NATIVE CLAIMS SETTLEMENT ACT

SEC. 701. ALASKA NATIVE VETERANS.

Section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g) is amended as follows:

(1) Subsection (a)(3)(I)(4) is amended by striking ''and Reindeer'' and inserting ''or''.

(2) Subsection (a)(4)(B) is amended by striking ''; and'' and inserting ''; or''.

(3) Subsection (b)(1)(B)(i) is amended by striking ''June 2, 1971'' and inserting ''December 31, 1971''.

(4) Subsection (b)(2) is amended by striking the matter preceding subparagraph (A) and inserting the following:

''(2) The personal representative or special administrator, appointed in an Alaska State court proceeding of the estate of a decedent who was eligible under subsection (b)(1)(A) may, for the benefit of the heirs, select an allotment if the decedent was a veteran who served in South East Asia at any time during the period beginning August 5, 1964, and ending December 31, 1971, and during that period the decedent—''.

SEC. 702. LEVIES ON SETTLEMENT TRUST INTERESTS.

Section 39(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(c)) is amended by adding at the end the following new paragraph:

''(8) A beneficiary's interest in a settlement trust and the distributions thereon shall be subject to creditor action (including without limitation, levy attachment, pledge, lien, judgment execution, assignment, and the insolvency and bankruptcy laws) only to the extent that Settlement Common Stock and the distributions thereon are subject to such creditor action under section 7(h) of this Act.''.

TITLE VIII—NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH

SEC. 801. ADMINISTRATION OF NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Education for the Washington Workshops Foundation $2,200,000 for administration of a national leadership symposium for American Indian, Alaskan Native, and Native Hawaiian youth on the traditions and values of American democracy.

(b) CONTENT OF SYMPOSIUM.—The symposium administered under subsection (a) shall—

(1) be comprised of youth seminar programs which study the workings and practices of American national government in Washington, DC, to be held in conjunction with the opening of the Smithsonian National Museum of the American Indian; and

(2) envision the participation and enhancement of American Indian, Alaskan Native, and Native Hawaiian youth in the American political process by interfacing in the firsthand operations of the United States Government.

SPANISH PEAKS WILDERNESS ACT OF 2000

MURKOWSKI (AND BINGAMAN) AMENDMENT NO. 4331

Mr. SESSIONS (for Mr. MURKOWSKI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill (H.R. 898) designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness''; as follows:

Strike all after the enacting clause and insert the following:

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Sec. 1. Table of Contents

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TITLE I—SPANISH PEAKS WILDERNESS, COLORADO

SECTION 101. SHORT TITLE.

This title may be cited as the ''Spanish Peaks Wilderness Act of 2000''.

SEC. 102. DESIGNATION OF SPANISH PEAKS WILDERNESS.

Section 2(a) of the Colorado Wilderness Act of 1993 (Public Law 103–77; 16 U.S.C. 1132 note) is amended by adding at the end the following:

''(20) SPANISH PEAKS WILDERNESS.—Certain land in the San Isabel National Forest that comprises approximately 18,000 acres, as generally depicted on a map entitled 'Proposed Spanish Peaks Wilderness', dated February 10, 1999, and which shall be known as the Spanish Peaks Wilderness.''

SEC. 103. FORCE AND EFFECT CLAUSE.

The map and boundary description of the Spanish Peaks Wilderness shall have the same force and effect as if included in the Colorado Wilderness Act of 1993 (Public Law 103–77; 16 U.S.C. 1132 note), except that the Secretary of Agriculture (hereinafter referred to as the ''Secretary'') may correct clerical and typographical errors in the map and boundary description.

SEC. 104. ACCESS.

(a) BULLS EYE MINE ROAD.—(1) With respect to the Bulls Eye Mine Road, the Secretary shall allow the continuation of those historic uses of the road which existed prior to the date of enactment of this title subject to such terms and conditions as the Secretary deems necessary.

(2) Nothing in this section—

(A) requires the Secretary to open the Bulls Eye Mine Road or otherwise restricts or limits the Secretary's management authority with respect to the road; or

(B) requires the Secretary to improve or maintain the road.

(3) The Secretary shall consult with local citizens and other interested parties regarding the implementation of this title with respect to the road.

(b) PRIVATE LANDS.—Access to any privately-owned land with the Spanish Peaks Wilderness shall be provided in accordance with section 5 of the Wilderness Act (16 U.S.C. 1134 et seq.).

SEC. 105. CONFORMING AMENDMENT.

Section 10 of the Colorado Wilderness Act of 1993 (Public Law 103–77; 16 U.S.C. 1132 note) is repealed.

TITLE II—VIRGINIA WILDERNESS

SECTION 201. SHORT TITLE

This title may be cited as the ''Virginia Wilderness Act of 2000''.

SEC. 202 DESIGNATION OF WILDERNESS AREAS.

Section 1 of the Act entitled ''An Act to designate certain National Forest System lands in the States of Virginia and West Virginia as wilderness areas'' (Public Law 100–326; 102 Stat. 584) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(7) certain land in the George Washington National Forest, comprising approximately 5,963 acres, as generally depicted on a map entitled 'The Priest Wilderness Study Area', dated June 6, 2000, to be known as the 'Priest Wilderness Area'; and

''(8) certain land in the George Washington National Forest, comprising approximately 4,608 acres, as generally depicted on a map entitled ''The Three Ridges Wilderness Study Area', dated June 6, 2000, to be known as the 'Three Ridges Wilderness Area.''.

TITLE III—WASHOE TRIBE LAND CONVEYANCE

SEC. 301. WASHOE TRIBE LAND CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this section as the ''Tribe'') included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of Forest Service land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) PURPOSES.—The purposes of this section are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotony, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) CONVEYANCE.—Subject to valid existing rights and subject to the easement reserved under subsection (d), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior, title to the parcel shall revert to the Secretary of Agriculture.

TITLE IV—SAINT CROIX ISLAND REGIONAL HERITAGE CENTR

SECTION 401. SHORT TITLE.

This title may be cited as the ''Saint Croix Island Heritage Act''.

SEC. 402. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Saint Croix Island is located in the Saint Croix River, a river that is the boundary between the State of Maine and Canada;

(2) the Island is the only international historic site in the National Park System;

(3) in 1604, French nobleman Pierre Dugua Sieur de Mons, accompanied by a courageous group of adventurers that included Samuel Champlain, landed on the Island and began the construction of a settlement;

(4) the French settlement on the Island in 1604 and 1605 was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia;

(5) many people view the expedition that settled on the Island in 1604 as the beginning of the Acadian culture in North America;

(6) in October, 1998, the National Park Service completed a general management plan to manage and interpret the Saint Croix Island International Historic Site;

(7) the plan addresses a variety of management alternatives, and concludes that the best management strategy entails developing an interpretive trail and ranger station at Red Beach, Maine, and a regional heritage center in downtown Calais, Maine, in cooperation with Federal, State, and local agencies;

(8) a 1982 memorandum of understanding, signed by the Department of the Interior and the Canadian Department for the Environment, outlines a cooperative program to commemorate the international heritage of the Saint Croix Island site and specifically to prepare for the 400th anniversary of the settlement in 2004; and

(9) only four years remain before the 400th anniversary of the settlement at Saint Croix Island, an occasion that should be appropriately commemorated.

(b) PURPOSE.—The purpose of this title is to direct the Secretary of the Interior to take all necessary and appropriate steps to work with Federal, State, and local agencies, historical societies, and nonprofit organizations to facilitate the development of a regional heritage center in downtown Calais, Maine before the 400th anniversary of the settlement of Saint Croix Island.

SEC. 403. DEFINITIONS.

In this title:

(1) ISLAND.—The term ''Island'' means Saint Croix Island, located in the Saint Croix River, between Canada and the State of Maine.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 404. SAINT CROIX ISLAND REGIONAL HERITAGE CENTER.

(a) IN GENERAL.—The Secretary shall provide assistance in planning, constructing, and operating a regional heritage center in downtown Calais, Maine, to facilitate the management and interpretation of the Saint Croix Island International Historic Site.

(b) COOPERATIVE AGREEMENTS.—To carry out subsection (a), in administering the Saint Croix Island International Historic Site, the Secretary may enter into cooperative agreements under appropriate terms and conditions with other Federal agencies, State and local agencies and nonprofit organizations—

(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

(2) to conduct activities that facilitate the dissemination of information relating to the Saint Croix Island International Historic Site;

(3) to provide financial assistance for the construction of the regional heritage center in exchange for space in the center that is sufficient to interpret the Saint Croix Island International Historic Site; and

(4) to assist with the operation and maintenance of the regional heritage center.

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

(a) DESIGN AND CONSTRUCTION.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this title (including the design and construction of the regional heritage center) $2,000,000.

(2) EXPENDITURE.—Paragraph (1) authorizes funds to be appropriated on the condition that any expenditure of those funds shall be matched on a dollar-for-dollar basis by funds from non-Federal sources.

(b) OPERATION AND MAINTENANCE.—There are authorized to be appropriated such sums as are necessary to maintain and operate interpretive exhibits in the regional heritage center.

TITLE V—PARK AREA BOUNDARY ADJUSTMENTS

SEC. 501. HAWAII VOLCANOES NATIONAL PARK.

The first section of the Act entitled ''An Act to add certain lands on the island of Hawaii to the Hawaii National Park, and for other purposes'', approved June 20, 1938 (16 U.S.C. 391b), is amended by striking ''park: *Provided*,'' and all that follows and inserting ''park. Land (including the land depicted on the map entitled 'NPS–PAC 1997HW') may be acquired by the Secretary through donation, exchange, or purchase with donated or appropriated funds.''.

SEC. 502. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

(a) HAWAI'I VOLCANOES NATIONAL PARK.—

(1) IN GENERAL.—Public Law 87–278 (75 Stat. 577) is amended by striking ''Hawaii Volcanoes National Park'' each place it appears and inserting ''Hawai'i Volcanoes National Park''.

(2) REFERENCES.—Any reference in any law (other than this section), regulation, document, record, map, or other paper of the United States to ''Hawaii Volcanoes National Park'' shall be considered a reference to ''Hawai'i Volcanoes National Park''.

(b) HALEAKALĀ NATIONAL PARK.—

(1) IN GENERAL.—Public Law 86–744 (74 Stat. 881) is amended by striking ''Haleakala National Park'' and inserting ''Haleakalā National Park''.

(2) REFERENCES.—Any reference in any law (other than this section), regulation, document, record, map, or other paper of the United States to ''Haleakala National Park'' shall be considered a reference to ''Haleakalā National Park''.

(c) KALOKO-HONOKŌHAU.—

(1) IN GENERAL.—Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d) is amended—

(A) in the section heading, by striking ''KALOKO-HONOKOHAU'' and inserting ''KALOKO-HONOKŌHAU''; and

(B) by striking ''Kaloko-Honokohau'' each place it appears and inserting ''Kaloko-Honokōhau''.

(2) REFERENCES.—Any reference in any law (other than this section), regulation, document, record, map, or other paper of the United States to ''Kaloko-Honokohau National Historical Park'' shall be considered a reference to ''Kaloko-Honokōhau National Historical Park''.

(d) PU'UHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Act of July 21, 1955 (chapter 385; 69 Stat. 376), as amended by section 305 of the National Parks and Recreation Act of 1978 (92 Stat. 3477), is amended by striking ''Puuhonua o Honaunau National Historical Park'' each place it appears and inserting ''Pu'uhonua o Hōnaunau National Historical Park''.

(2) REFERENCES.—Any reference in any law (other than this section), regulation, document, record, map, or other paper of the United States to ''Puuhonua o Honaunau National Historical Park shall be considered a reference to ''Pu'uhonua o Hōnaunau National Historical Park''.

(e) PU'UKOHOLĀ HEIAU NATIONAL HISTORIC SITE.—

(1) IN GENERAL.—Public Law 92–388 (86 Stat. 562) is amended by striking ''Puukohola Heiau National Historic Site'' each place it appears and inserting ''Pu'ukoholā Heiau National Historic Site''.

(2) REFERENCES.—Any reference in any law (other than this section), regulation, document, record, map, or other paper of the United States to ''Puukohola Heiau National Historic Site'' shall be considered a reference to ''Pu'ukoholā Heiau National Historic Site''.

(f) CONFORMING AMENDMENTS.—

(1) Section 401(8) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3489) is amended by striking ''Hawaii Volcanoes'' each place it appears and inserting ''Hawai'i Volcanoes''.

(2) The first section of Public Law 94–567 (90 Stat. 2692) is amended in subsection (e) by striking ''Haleakala'' each place it appears and inserting ''Haleakalā''.

SEC. 503. HAMILTON GRANGE NATIONAL MEMORIAL.

(a) Not withstanding the provisions of the Act of November 19, 1988 (16 U.S.C. 431 note.), the Secretary of the Interior is authorized to accept by donation not to exceed one acre of land or interests in land from the City of New York for the purpose of relocating Hamilton Grange. Such land to be donated shall be within close proximity to the existing location of Hamilton Grange.

(b) Lands and interests in land acquired pursuant to section (a) shall be added to and administered as part of Hamilton Grange National Memorial.

SEC. 504. SAINT-GAUDENS NATIONAL HISTORIC SITE.

Public Law 88–543 (16 U.S.C. 461 (note)), which established Saint-Gaudens National Historic Site, is amended—

(1) in section 3 by striking ''not to exceed sixty-four acres of lands and interests therein'' and inserting ''279 acres of lands and buildings, or interests therein'';

(2) in section 6 by striking ''$2,677,000'' from the first sentence and inserting ''$10,632,000''; and

(3) in section 6 by striking ''$80,000'' from the last sentence and inserting ''$2,000,000''.

SEC. 505. FORT MATANZAS NATIONAL MONUMENT

(a) DEFINITIONS—

In this section.

(1) MAP.—The term ''Map'' means the map entitled ''fort Matanzas National Monument'', numbered 347/80,004 and dated February, 1991.

(2) MONUMENT.—The term ''Monument'' means the Fort Matanzas National Monument in Florida.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) REVISION OF BOUNDARY.—

(1) IN GENERAL.—The boundary of the Monument is revised to include an area totaling approximately 70 acres, as generally depicted on the Map.

(2) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ACQUISITION OF ADDITIONAL LAND.—

The Secretary may acquire any land, water, or interests in land that are located within the revised boundary of the Monument by—

(1) donation;

(2) purchase with donated or appropriated funds;

(3) transfer from any other Federal agency; or

(4) exchange.

(d) ADMINISTRATION.—

Subject to applicable laws, all land and interests in land held by the United States that are included in the revised boundary under section 2 shall be administered by the Secretary as part of the Monument.

(c) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE VI—ALASKA NATIONAL PARK UNIT REPORTS

SEC. 601. MT. MCKINLEY HIGH ALTITUDE RESCUE FEE STUDY.

No later than nine months after the enactment of this section, the Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall complete a report on the suitability and feasibility of recovering the costs of high altitude rescues on Mt. McKinley, within Denali National Park and Preserve. The Secretary shall also report on the suitability and feasibility of requiring climbers to provide proof of medical insurance prior to the issuance of a climbing permit by the National Park Service. the report shall also review the amount of fees charged for a climbing permit and make such recommendations for changing the fee structure as the Secretary deems appropriate. Upon completion, the report shall be submitted to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives.

SECTION 602. ALASKA NATIVE HIRING REPORT

(a) Within six months after the enactment of this section the Secretary of the Interior (hereinafter referred to as the ''Secretary'' shall submit a report detailing the progress the Department has made in the implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall include a detailed action plan on the future implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall describe, in detail, the measures and actions that will be taken, along with a description of the anticipated results to be achieved during the next three fiscal years. The report shall focus on lands under the jurisdiction of the Department of the Interior in Alaska and shall also

address any laws, rules, regulations and policies which act as a deterrent to hiring Native Alaskans or contracting with Native Alaskans to perform and conduct activities and programs of those agencies and bureaus under the jurisdiction of the Department of the Interior.

(b) The report shall be completed within existing appropriations and shall be transmitted to the Committee on Resources of the United States Senate; and the Committee on Resources of the United States House of Representatives.

SEC. 603. PILOT PROGRAM.

(a) In furtherance of the goals of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and the provisions of the Indian Self-Determination and Education Assistance Act, the Secretary shall—

(1) implement pilot programs to employ residents of local communities at the following units of the National Park System located in northwest Alaska:

(A) Bering Land Bridge National Preserve,

(B) Cape Krusenstern National Monument,

(C) Kobuk Valley National Park, and

(D) Noatak National Preserve; and

(2) report on the results of the programs within one year to the Committee on Energy and Natural Resources of the United States and the Committee on Resources of the House of Representatives.

(b) In implementing the programs, the Secretary shall consult with the Native Corporations, non-profit organizations, and Tribal entities in the immediate vicinity of such units and shall also, to the extent practicable, involve such groups in the development of interpretive materials and the pilot programs relating to such units.

TITLE VII—GLACIER BAY NATIONAL PARK RESOURCE MANAGEMENT

SECTION 701. SHORT TITLE.

This Act may be cited as the ''Glacier Bay National Park Resource Management Act of 2000''.

SEC. 702. DEFINITIONS.

As used in this title—

(1) the term ''local residents'' means those persons living within the vicinity of Glacier Bay National Park and Preserve, including but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve;

(2) the term ''outer waters'' means all of the marine waters within the park outside of Glacier Bay proper;

(3) the term ''park'' means Glacier Bay National Park;

(4) the term ''Secretary'' means the Secretary of the Interior; and

(5) the term ''State'' means the State of Alaska.

SEC. 703. COMMERCIAL FISHING.

(a) IN GENERAL.—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) MANAGEMENT PLAN.—The Secretary and the State shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer waters of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.

(c) SAVINGS.—(1) Nothing in this title shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105–277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31).

(2) Nothing in this title shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) STUDY.—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State, the National Marine Fisheries Service, the International Pacific Halibut Commission, and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park's marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the Congressional Committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such Committees on a biennial basis.

SEC. 704. SEA GULL EGG COLLECTION STUDY.

(a) STUDY.—The Secretary, in consultation with local residents, shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) RECOMMENDATIONS.—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the sea gull population in the park, the Secretary shall submit recommendations for legislation to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this title.

FEDERAL COURTS IMPROVEMENT ACT OF 2000

HATCH AMENDMENT NO. 4332

Mr. SESSIONS (for Mr. HATCH) proposed an amendment to the bill (S. 2915) to make improvements in the operation and administration of the Federal courts, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Courts Improvement Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 101. Extension of Judiciary Information Technology Fund.

Sec. 102. Disposition of miscellaneous fees.

Sec. 103. Transfer of retirement funds.

Sec. 104. Increase in chapter 9 bankruptcy filing fee.

Sec. 105. Increase in fee for converting a chapter 7 or chapter 13 bankruptcy case to a chapter 11 bankruptcy case.

Sec. 106. Bankruptcy fees.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Extension of statutory authority for magistrate judge positions to be established in the district courts of Guam and the Northern Mariana Islands.

Sec. 202. Magistrate judge contempt authority.

Sec. 203. Consent to magistrate judge authority in petty offense cases and magistrate judge authority in misdemeanor cases involving juvenile defendants.

Sec. 204. Savings and loan data reporting requirements.

Sec. 205. Membership in circuit judicial councils.

Sec. 206. Sunset of civil justice expense and delay reduction plans.

Sec. 207. Repeal of Court of Federal Claims filing fee.

Sec. 208. Technical bankruptcy correction.

Sec. 209. Technical amendment relating to the treatment of certain bankruptcy fees collected.

Sec. 210. Maximum amounts of compensation for attorneys.

Sec. 211. Reimbursement of expenses in defense of certain malpractice actions.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Judicial administrative officials retirement matters.

Sec. 302. Applicability of leave provisions to employees of the Sentencing Commission.

Sec. 303. Payments to military survivors benefits plan.

Sec. 304. Creation of certifying officers in the judicial branch.

Sec. 305. Amendment to the jury selection process.

Sec. 306. Authorization of a circuit executive for the Federal circuit.

Sec. 307. Residence of retired judges.

Sec. 308. Recall of judges on disability status.

Sec. 309. Personnel application and insurance programs relating to judges of the Court of Federal Claims.

Sec. 310. Lump-sum payment for accumulated and accrued leave on separation.

Sec. 311. Employment of personal assistants for handicapped employees.

Sec. 312. Mandatory retirement age for director of the Federal judicial center.

Sec. 313. Reauthorization of certain Supreme Court Police authority.

TITLE IV—FEDERAL PUBLIC DEFENDERS

Sec. 401. Tort Claims Act amendment relating to liability of Federal public defenders.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Extensions relating to bankruptcy administrator program.

Sec. 502. Additional place of holding court in the district of Oregon.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 101. EXTENSION OF JUDICIARY INFORMATION TECHNOLOGY FUND.

Section 612 of title 28, United States Code, is amended—

(1) by striking ''equipment'' each place it appears and inserting ''resources'';

(2) by striking subsection (f) and redesignating subsections (g) through (k) as subsections (f) through (j), respectively;

(3) in subsection (g), as so redesignated, by striking paragraph (3); and

(4) in subsection (i), as so redesignated—

(A) by striking ''Judiciary'' each place it appears and inserting ''judiciary'';

(B) by striking ''subparagraph (c)(1)(B)'' and inserting ''subsection (c)(1)(B)''; and

(C) by striking ''under (c)(1)(B)'' and inserting ''under subsection (c)(1)(B)''.

SEC. 102. DISPOSITION OF MISCELLANEOUS FEES.

For fiscal year 2001 and each fiscal year thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States under sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 2000, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

SEC. 103. TRANSFER OF RETIREMENT FUNDS.

Section 377 of title 28, United States Code, is amended by adding at the end the following:

''(p) TRANSFER OF RETIREMENT FUNDS.—Upon election by a bankruptcy judge or a magistrate judge under subsection (f) of this section, all of the accrued employer contributions and accrued interest on those contributions made on behalf of the bankruptcy judge or magistrate judge to the Civil Service Retirement and Disability Fund under section 8348 of title 5 shall be transferred to the fund established under section 1931 of this title, except that if the bankruptcy judge or magistrate judge elects under section 2(c) of the Retirement and Survivor's Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Public Law 100–659), to receive a retirement annuity under both this section and title 5, only the accrued employer contributions and accrued interest on such contributions, made on behalf of the bankruptcy judge or magistrate judge for service credited under this section, may be transferred.''.

SEC. 104. INCREASE IN CHAPTER 9 BANKRUPTCY FILING FEE.

Section 1930(a)(2) of title 28, United States Code, is amended by striking ''$300'' and inserting ''equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds $300 shall be deposited in the fund established under section 1931 of this title''.

SEC. 105. INCREASE IN FEE FOR CONVERTING A CHAPTER 7 OR CHAPTER 13 BANKRUPTCY CASE TO A CHAPTER 11 BANKRUPTCY CASE.

The flush paragraph at the end of section 1930(a) of title 28, United States Code, is amended by striking ''$400'' and inserting ''the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1)''.

SEC. 106. BANKRUPTCY FEES.

Section 1930(a) of title 28, United States Code, is amended by adding at the end the following:

''(7) In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States may require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6) of this subsection. Such fees shall be deposited as offsetting receipts to the fund established under section 1931 of this title and shall remain available until expended.''.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR MAGISTRATE JUDGE POSITIONS TO BE ESTABLISHED IN THE DISTRICT COURTS OF GUAM AND THE NORTHERN MARIANA ISLANDS.

Section 631 of title 28, United States Code, is amended—

(1) by striking the first two sentences of subsection (a) and inserting the following: ''The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Judicial Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court.''; and

(2) by inserting in the first sentence of paragraph (1) of subsection (b) after ''Commonwealth of Puerto Rico,'' the following: ''the Territory of Guam, the Commonwealth of the Northern Mariana Islands,''.

SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.

Section 636(e) of title 28, United States Code, is amended to read as follows:

''(e) CONTEMPT AUTHORITY.—

''(1) IN GENERAL.—A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by the appointment of such magistrate judge the power to exercise contempt authority as set forth in this subsection.

''(2) SUMMARY CRIMINAL CONTEMPT AUTHORITY.—A magistrate judge shall have the power to punish summarily by fine or imprisonment such contempt of the authority of such magistrate judge constituting misbehavior of any person in the magistrate judge's presence so as to obstruct the administration of justice. The order of contempt shall be issued under the Federal Rules of Criminal Procedure.

''(3) ADDITIONAL CRIMINAL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge shall have the power to punish, by fine or imprisonment, criminal contempt constituting disobedience or resistance to the magistrate judge's lawful writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon notice and hearing under the Federal Rules of Criminal Procedure.

''(4) CIVIL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a magistrate judge to order sanctions under any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.

''(5) CRIMINAL CONTEMPT PENALTIES.—The sentence imposed by a magistrate judge for any criminal contempt provided for in paragraphs (2) and (3) shall not exceed the penalties for a Class C misdemeanor as set forth in sections 3581(b)(8) and 3571(b)(6) of title 18.

''(6) CERTIFICATION OF OTHER CONTEMPTS TO THE DISTRICT COURT.—Upon the commission of any such act—

''(A) in any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, or in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, that may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection; or

''(B) in any other case or proceeding under subsection (a) or (b) of this section, or any other statute, where—

''(i) the act committed in the magistrate judge's presence may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection;

''(ii) the act that constitutes a criminal contempt occurs outside the presence of the magistrate judge; or

''(iii) the act constitutes a civil contempt,

the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served, upon any person whose behavior is brought into question under this paragraph, an order requiring such person to appear before a district judge upon a day certain to show cause why that person should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

''(7) APPEALS OF MAGISTRATE JUDGE CONTEMPT ORDERS.—The appeal of an order of contempt under this subsection shall be made to the court of appeals in cases proceeding under subsection (c) of this section. The appeal of any other order of contempt issued under this section shall be made to the district court.''.

SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN PETTY OFFENSE CASES AND MAGISTRATE JUDGE AUTHORITY IN MISDEMEANOR CASES INVOLVING JUVENILE DEFENDANTS.

(a) AMENDMENTS TO TITLE 18.—

(1) PETTY OFFENSE CASES.—Section 3401(b) of title 18, United States Code, is amended by striking ''that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction,'' after ''petty offense''.

(2) CASES INVOLVING JUVENILES.—Section 3401(g) of title 18, United States Code, is amended—

(A) by striking the first sentence and inserting the following: ''The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.'';

(B) in the second sentence by striking ''any other class B or C misdemeanor case'' and inserting ''the case of any misdemeanor, other than a petty offense,''; and

(C) by striking the last sentence.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended by striking paragraphs (4) and (5) and inserting in the following:

''(4) the power to enter a sentence for a petty offense; and

''(5) the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented.''.

SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIREMENTS.

Section 604 of title 28, United States Code, is amended in subsection (a) by striking the second paragraph designated (24).

SEC. 205. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.

Section 332(a) of title 28, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council. Service as a member of a judicial council by a judge retired from regular active service under section 371(b) may not be considered for meeting the requirements of section 371(f)(1) (A), (B), or (C).''; and

(2) in paragraph (5) by striking ''retirement,'' and inserting ''retirement under section 371(a) or 372(a) of this title,''.

SEC. 206. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105–53 (111 Stat. 1173), is amended by inserting ''471,'' after ''sections''.

SEC. 207. REPEAL OF COURT OF FEDERAL CLAIMS FILING FEE.

Section 2520 of title 28, United States Code, and the item relating to such section in the table of contents for chapter 165 of such title, are repealed.

SEC. 208. TECHNICAL BANKRUPTCY CORRECTION.

Section 1228 of title 11, United States Code, is amended by striking ''1222(b)(10)'' each place it appears and inserting ''1222(b)(9)''.

SEC. 209. TECHNICAL AMENDMENT RELATING TO THE TREATMENT OF CERTAIN BANKRUPTCY FEES COLLECTED.

(a) AMENDMENT.—The first sentence of section 406(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101–162; 103 Stat. 1016; 28 U.S.C. 1931 note) is amended by striking ''service enumerated after item 18'' and inserting ''service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989,''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply with respect to fees collected before the date of enactment of this Act.

SEC. 210. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.

Section 3006A(d)(2) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''$3,500'' and inserting ''$5,200''; and

(B) by striking ''$1,000'' and inserting ''$1,500'';

(2) in the second sentence by striking ''$2,500'' and inserting ''$3,700'';

(3) in the third sentence—

(A) by striking ''$750'' and inserting ''$1,200''; and

(B) by striking ''$2,500'' and inserting ''$3,900'';

(4) by inserting after the second sentence the following: ''For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a judicial officer of the district court. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court.''; and

(5) in the last sentence by striking ''$750'' and inserting ''$1,200''.

SEC. 211. REIMBURSEMENT OF EXPENSES IN DEFENSE OF CERTAIN MALPRACTICE ACTIONS.

Section 3006A(d)(1) of title 18, United States Code, is amended by striking the last sentence and inserting ''Attorneys may be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court, and the costs of defending actions alleging malpractice of counsel in furnishing representational services under this section. No reimbursement for expenses in defending against malpractice claims shall be made if a judgment of malpractice is rendered against the counsel furnishing representational services under this section. The United States magistrate or the court shall make determinations relating to reimbursement of expenses under this paragraph.''.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.

(a) DIRECTOR OF ADMINISTRATIVE OFFICE.—Section 611 of title 28, United States Code, is amended—

(1) in subsection (d), by inserting ''a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives,'' after ''Congress,'';

(2) in subsection (b)—

(A) by striking ''who has served at least fifteen years and'' and inserting ''who has at least fifteen years of service and has''; and

(B) in the first undesignated paragraph, by striking ''who has served at least ten years,'' and inserting ''who has at least ten years of service,''; and

(3) in subsection (c)—

(A) by striking ''served at least fifteen years,'' and inserting ''at least fifteen years of service,''; and

(B) by striking ''served less than fifteen years,'' and inserting ''less than fifteen years of service,''.

(b) DIRECTOR OF THE FEDERAL JUDICIAL CENTER.—Section 627 of title 28, United States Code, is amended—

(1) in subsection (e), by inserting ''a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives,'' after ''Congress,'';

(2) in subsection (c)—

(A) by striking ''who has served at least fifteen years and'' and inserting ''who has at least fifteen years of service and has''; and

(B) in the first undesignated paragraph, by striking ''who has served at least ten years,'' and inserting ''who has at least ten years of service,''; and

(3) in subsection (d)—

(A) by striking ''served at least fifteen years,'' and inserting ''at least fifteen years of service,''; and

(B) by striking ''served less than fifteen years,'' and inserting ''less than fifteen years of service,''.

SEC. 302. APPLICABILITY OF LEAVE PROVISIONS TO EMPLOYEES OF THE SENTENCING COMMISSION.

(a) IN GENERAL.—Section 996(b) of title 28, United States Code, is amended by striking all after ''title 5,'' and inserting ''except the following: chapters 45 (Incentive Awards), 63 (Leave), 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), and 89 (Health Insurance), and subchapter VI of chapter 55 (Payment for accumulated and accrued leave).''.

(b) SAVINGS PROVISION.—Any leave that an individual accrued or accumulated (or that otherwise became available to such individual) under the leave system of the United States Sentencing Commission and that remains unused as of the date of the enactment of this Act shall, on and after such date, be treated as leave accrued or accumulated (or that otherwise became available to such individual) under chapter 63 of title 5, United States Code.

SEC. 303. PAYMENTS TO MILITARY SURVIVORS BENEFITS PLAN.

Section 371(e) of title 28, United States Code, is amended by inserting after ''such retired or retainer pay'' the following: '', except such pay as is deductible from the retired or retainer pay as a result of participation in any survivor's benefits plan in connection with the retired pay,''.

SEC. 304. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.

(a) APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following:

''§ 613. Disbursing and certifying officers

''(a) DISBURSING OFFICERS.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such disbursing officers shall—

''(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

''(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

''(3) be held accountable for their actions as provided by law, except that such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

''(b) CERTIFYING OFFICERS.—

''(1) IN GENERAL.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. Such certifying officers shall be responsible and accountable for—

''(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

''(B) the legality of the proposed payment under the appropriation or fund involved; and

''(C) the correctness of the computations of certified payment requests.

''(2) LIABILITY.—The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

''(c) RIGHTS.—A certifying or disbursing officer—

''(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

''(2) is entitled to relief from liability arising under this section in accordance with title 31.

''(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following:

''613. Disbursing and certifying officers.''.

(c) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to authorize the hiring of any Federal officer or employee.

(d) DUTIES OF DIRECTOR.—Section 604(a)(8) of title 28, United States Code, is amended to read as follows:

''(8) Disburse appropriations and other funds for the maintenance and operation of the courts;''.

SEC. 305. AMENDMENT TO THE JURY SELECTION PROCESS.

Section 1865 of title 28, United States Code, is amended—

(1) in subsection (a) by inserting ''or the clerk under supervision of the court if the court's jury selection plan so authorizes,'' after ''jury commission,''; and

(2) in subsection (b) by inserting ''or the clerk if the court's jury selection plan so provides,'' after ''may provide,''.

SEC. 306. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR THE FEDERAL CIRCUIT.

Section 332 of title 28, United States Code, is amended by adding at the end the following:

''(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include the duties specified in subsection (e) of this section, insofar as such duties are applicable to the Court of Appeals for the Federal Circuit.

''(2) The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.

''(3) The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

''(4) The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f)(4).

''(5) The court may appoint either a circuit executive under this subsection or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive.''.

SEC. 307. RESIDENCE OF RETIRED JUDGES.

Section 175 of title 28, United States Code, is amended by adding at the end the following:

''(c) Retired judges of the Court of Federal Claims are not subject to restrictions as to residence. The place where a retired judge maintains the actual abode in which such judge customarily lives shall be deemed to be the judge's official duty station for the purposes of section 456 of this title.''.

SEC. 308. RECALL OF JUDGES ON DISABILITY STATUS.

Section 797(a) of title 28, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) Any judge of the Court of Federal Claims receiving an annuity under section 178(c) of this title (pertaining to disability) who, in the estimation of the chief judge, has recovered sufficiently to render judicial service, shall be known and designated as a senior judge and may perform duties as a judge when recalled under subsection (b) of this section.''.

SEC. 309. PERSONNEL APPLICATION AND INSURANCE PROGRAMS RELATING TO JUDGES OF THE COURT OF FEDERAL CLAIMS.

(a) IN GENERAL.—Chapter 7 of title 28, United States Code, is amended by inserting after section 178 the following:

''§ 179. Personnel application and insurance programs

''(a) For purposes of construing and applying title 5, a judge of the United States Court of Federal Claims shall be deemed to be an 'officer' under section 2104(a) of such title.

''(b) For purposes of construing and applying chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

''(1) is retired under section 178 of this title; and

''(2) was enrolled in a health benefits plan under chapter 89 of title 5 at the time the judge became a retired judge,

shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, notwithstanding the length of enrollment prior to the date of retirement.

''(c) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a judge of the United States Court of Federal Claims in regular active service or who is retired under section 178 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 28, United States Code, is amended by striking the item relating to section 179 and inserting the following:

''179. Personnel application and insurance programs.''.

SEC. 310. LUMP-SUM PAYMENT FOR ACCUMULATED AND ACCRUED LEAVE ON SEPARATION.

Section 5551(a) of title 5, United States Code, is amended in the first sentence by striking ''or elects'' and inserting '', is transferred to a position described under section 6301(2)(xiii) of this title, or elects''.

SEC. 311. EMPLOYMENT OF PERSONAL ASSISTANTS FOR HANDICAPPED EMPLOYEES.

Section 3102(a)(1) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking ''and'';

(2) in subparagraph (B) by adding ''and'' after the semicolon; and

(3) by adding at the end the following:

''(C) an office, agency, or other establishment in the judicial branch;''.

SEC. 312. MANDATORY RETIREMENT AGE FOR DIRECTOR OF THE FEDERAL JUDICIAL CENTER.

(a) IN GENERAL.—Section 627 of title 28, United States Code, is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 376 of title 28, United States Code, is amended—

(1) in paragraph (1)(D) by striking ''subsection (b)'' and inserting ''subsection (a)''; and

(2) in paragraph (2)(D) by striking ''subsection (c) or (d)'' and inserting ''subsection (b) or (c)''.

SEC. 313. REAUTHORIZATION OF CERTAIN SUPREME COURT POLICE AUTHORITY.

Section 9(c) of the Act entitled ''An Act relating to the policing of the building and grounds of the Supreme Court of the United States'', approved August 18, 1949 (40 U.S.C. 13n(c)) is amended in the first sentence by striking ''2000'' and inserting ''2004''.

TITLE IV—FEDERAL PUBLIC DEFENDERS

SEC. 401. TORT CLAIMS ACT AMENDMENT RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.

Section 2671 of title 28, United States Code, is amended in the second undesignated paragraph—

(1) by inserting ''(1)'' after ''includes''; and

(2) by striking the period at the end and inserting the following: '', and (2) any officer or employee of a Federal public defender organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.''.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXTENSIONS RELATING TO BANKRUPTCY ADMINISTRATOR PROGRAM.

Section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking ''or October 1, 2002, whichever occurs first''; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking ''or October 1, 2002, whichever occurs first''; and

(ii) in the matter following subclause (II), by striking ''October 1, 2003, or''; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking ''before October 1, 2003, or''; and

(ii) by striking '', whichever occurs first''.

SEC. 502. ADDITIONAL PLACE OF HOLDING COURT IN THE DISTRICT OF OREGON.

Section 117 of title 28, United States Code, is amended by striking ''Eugene'' and inserting ''Eugene or Springfield''.

HART-SCOTT-RODINO ANTITRUST IMPROVEMENTS ACT OF 2000

HATCH (AND OTHERS) AMENDMENT NO. 4333

Mr. SESSIONS (for Mr. HATCH (for himself, Mr. LEAHY, Mr. DEWINE, and Mr. KOHL)) proposed an amendment to the bill (S. 1854) to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''21st Century Acquisition Reform and Improvement Act of 2000''.

SEC. 2. MODIFICATION OF NOTIFICATION REQUIREMENT.

Section 7A(a) of the Clayton Act (15 U.S.C. 18a(a)) is amended to read as follows:

''(a) Except as exempted pursuant to subsection (c), no person shall acquire, directly or indirectly, any voting securities or assets of any other person, unless both persons (or in the case of a tender offer, the acquiring

person) file notification pursuant to rules under subsection (d)(1) and the waiting period described in subsection (b)(1) has expired, if—

''(1) the acquiring person, or the person whose voting securities or assets are being acquired, is engaged in commerce or in any activity affecting commerce; and

''(2) as a result of such acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person—

''(A) in excess of $200,000,000 (as adjusted and published for the first fiscal year beginning after September 30, 2002, and each third fiscal year thereafter, in the same manner as provided in section 8(a)(5) of this Act to reflect the percentage change in the gross national product for such fiscal year compared to the gross national product for the year ending September 30, 2001); or

''(B)(i) in excess of $50,000,000 (as so adjusted and published) but not in excess of $200,000,000 (as so adjusted and published); and

''(ii)(I) any voting securities or assets of a person engaged in manufacturing which has annual net sales or total assets of $10,000,000 (as so adjusted and published) or more are being acquired by any person which has total assets or annual net sales of $100,000,000 (as so adjusted and published) or more;

''(II) any voting securities or assets of a person not engaged in manufacturing which has total assets of $10,000,000 (as so adjusted and published) or more are being acquired by any person which has total assets or annual net sales of $100,000,000 (as so adjusted and published) or more; or

''(III) any voting securities or assets of a person with total assets or annual net sales of $100,000,000 (as so adjusted and published) or more are being acquired by any person with total assets or annual net sales of $10,000,000 (as so adjusted and published) or more.

In the case of a tender offer, the person whose voting securities are sought to be acquired by a person required to file notification under this subsection shall file notification pursuant to rules under subsection (d).''.

SEC. 3. INFORMATION AND DOCUMENTARY REQUESTS.

Section 7A(e)(1) of the Clayton Act (15 U.S.C. 18a(e)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following:

''(B)(i) The Assistant Attorney General and the Federal Trade Commission shall each designate a senior official who does not have direct responsibility for the review of any enforcement recommendation under this section concerning the transaction at issue to hear any petition filed by such person to determine—

''(I) whether the request for additional information or documentary material is unreasonably cumulative, unduly burdensome, or duplicative; or

''(II) whether the request for additional information or documentary material has been substantially complied with by the petitioning person.

''(ii) Internal review procedures for petitions filed pursuant to clause (i) shall include reasonable deadlines for expedited review of such petitions, after reasonable negotiations with investigative staff, in order to avoid undue delay of the merger review process.

''(iii) Not later than 90 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall conduct an internal review and implement reforms of the merger review process in order to eliminate unnecessary burden, remove costly duplication, and eliminate undue delay, in order to achieve a more effective and more efficient merger review process.

''(iv) Not later than 120 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall issue or amend their respective industry guidance, regulations, operating manuals, and relevant policy documents, to the extent appropriate, to implement each reform in this subparagraph.

''(v) Not later than 180 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall each report to Congress—

''(I) which reforms each agency has adopted under this subparagraph;

''(II) which steps each agency has taken to implement internal reforms under this subparagraph; and

''(III) the effects of such reforms.''.

SEC. 4. CALCULATION OF TIME PERIODS.

Section 7A of the Clayton Act (15 U.S.C. 18a) is amended—

(1) in subsection (e)(2), by striking ''20 days'' and inserting ''30 days''; and

(2) by adding at the end the following:

''(k) If the end of any period of time provided in this section falls on a Saturday, Sunday, or legal public holiday (as defined in section 6103(a) of title 5, United States Code), then such period shall be extended to the end of the next day that is not a Saturday, Sunday, or legal public holiday.''.

SEC. 5. ADDITIONAL REQUIREMENTS FOR ANNUAL REPORTS.

Section 7A(j) of the Clayton Act (15 U.S.C. 18a(j)) is amended—

(1) by inserting ''(1)'' after ''(j)''; and

(2) by adding at the end the following:

''(2) Beginning with the report filed in 2001, the Federal Trade Commission, in consultation with the Assistant Attorney General, shall include in the report to Congress required by this subsection—

''(A) the number of notifications filed under this section;

''(B) the number of notifications filed in which the Assistant Attorney General or Federal Trade Commission requested the submission of additional information or documentary material relevant to the proposed acquisition;

''(C) data relating to the length of time for parties to comply with requests for the submission of additional information or documentary material relevant to the proposed acquisition;

''(D) the number of petitions filed pursuant to rules and regulations promulgated under this Act regarding a request for the submission of additional information or documentary material relevant to the proposed acquisition and the manner in which such petitions were resolved;

''(E) data relating to the volume (in number of boxes or pages) of materials submitted pursuant to requests for additional information or documentary material; and

''(F) the number of notifications filed in which a request for additional information or documentary materials was made but never complied with prior to resolution of the case.''.

SEC. 6. CONFORMING AMENDMENTS TO CERTAIN REGULATIONS.

(a) IN GENERAL.—The thresholds established by rule and promulgated as 16 C.F.R. 802.20 shall be adjusted by the Federal Trade Commission on January 1, 2003, and each third year thereafter, in the same manner as is set forth in section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)). The adjusted amount shall be rounded to the nearest $1,000,000.

(b) PUBLICATION.—As soon as practicable, but not later than January 31, 2003, and each third year thereafter, the Federal Trade Commission shall publish the adjusted amount required by this subsection (a).

SEC. 7. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the first day of the first month that begins more than 30 days after the date of the enactment of this Act.

EARTH, WIND, AND FIRE AUTHORIZATION ACT OF 2000

On October 18, 2000, the Senate amended and passed S. 1639, as follows:

S. 1639

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Earthquake Hazards Reduction Authorization Act of 2000''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) FEDERAL EMERGENCY MANAGEMENT AGENCY.—Section 12(a)(7) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)) is amended—

(1) by striking ''and'' after ''1998''; and

(2) by striking ''1999.'' and inserting ''1999; $19,861,000 for the fiscal year ending September 30, 2001, of which $450,000 is for National Earthquake Hazard Reduction Program-eligible efforts of an established multistate consortium to reduce the unacceptable threat of earthquake damages in the New Madrid seismic region through efforts to enhance preparedness, response, recovery, and mitigation; $20,705,000 for the fiscal year ending September 30, 2002; and $21,585,000 for the fiscal year ending September 30, 2003.''.

(b) UNITED STATES GEOLOGICAL SURVEY.—Section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)) is amended—

(1) by inserting after ''operated by the Agency.'' the following: ''There are authorized to be appropriated to the Secretary of the Interior for purposes of carrying out, through the Director of the United States Geological Survey, the responsibilities that may be assigned to the Director under this Act $48,360,000 for fiscal year 2001, of which $3,500,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee established under section 10 of the Earthquake Hazards Reduction Act of 2000; $50,415,000 for fiscal year 2002, of which $3,600,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee; and $52,558,000 for fiscal year 2003, of which $3,700,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee;

(2) by striking ''and'' at the end of paragraph (1);

(3) by striking ''1999,'' at the end of paragraph (2) and inserting ''1999;''; and

(4) by inserting after paragraph (2) the following:

''(3) $9,000,000 of the amount authorized to be appropriated for fiscal year 2001;

''(4) $9,250,000 of the amount authorized to be appropriated for fiscal year 2002; and

''(5) $9,500,000 of the amount authorized to be appropriated for fiscal year 2003,''.

(c) REAL-TIME SEISMIC HAZARD WARNING SYSTEM.—Section 2(a)(7) of the Act entitled ''An Act To authorize appropirations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes (111 Stat. 1159; 42 U.S.C.

7704 nt) is amended by striking ''1999.'' and inserting ''1999, $2,600,000 for fiscal year 2001, $2,710,000 for fiscal year 2002, and $2,825,000 for fiscal year 2003.''.

(d) NATIONAL SCIENCE FOUNDATION.—Section 12(c) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(c)) is amended—

(1) by striking ''1998, and'' and inserting ''1998,''; and

(2) by striking ''1999.'' and inserting ''1999, and (5) $19,000,000 for engineering research and $11,900,000 for geosciences research for the fiscal year ending September 30, 2001. There are authorized to be appropriated to the National Science Foundation $19,808,000 for engineering research and $12,406,000 for geosciences research for fiscal year 2002 and $20,650,000 for engineering research and $12,933,000 for geosciences research for fiscal year 2003.''.

(e) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 12(d) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(d)) is amended—

(1) by striking ''1998, and''; and inserting ''1998,''; and

(2) by striking ''1999.'' and inserting ''1999, $2,332,000 for fiscal year 2001, $2,431,000 for fiscal year 2002, and $2,534,300 for fiscal year 2003.''.

SEC. 3. REPEALS.

Section 10 and subsections (e) and (f) of section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705d and 7706 (e) and (f)) are repealed.

SEC. 4. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

''SEC. 13. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

''(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish and operate an Advanced National Seismic Research and Monitoring System. The purpose of such system shall be to organize, modernize, standardize, and stabilize the national, regional, and urban seismic monitoring systems in the United States, including sensors, recorders, and data analysis centers, into a coordinated system that will measure and record the full range of frequencies and amplitudes exhibited by seismic waves, in order to enhance earthquake research and warning capabilities.

''(b) MANAGEMENT PLAN.—Not later than 90 days after the date of the enactment of the Earthquake Hazards Reduction Authorization Act of 2000, the Director of the United States Geological Survey shall transmit to the Congress a 5-year management plan for establishing and operating the Advanced National Seismic Research and Monitoring System. The plan shall include annual cost estimates for both modernization and operation, milestones, standards, and performance goals, as well as plans for securing the participation of all existing networks in the Advanced National Seismic Research and Monitoring System and for establishing new, or enhancing existing, partnerships to leverage resources.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) EXPANSION AND MODERNIZATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to establish the Advanced National Seismic Research and Monitoring System—

''(A) $33,500,000 for fiscal year 2002;

''(B) $33,700,000 for fiscal year 2003;

''(C) $35,100,000 for fiscal year 2004;

''(D) $35,000,000 for fiscal year 2005; and

''(E) $33,500,000 for fiscal year 2006.

''(2) OPERATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to operate the Advanced National Seismic Research and Monitoring System—

''(A) $4,500,000 for fiscal year 2002; and

''(B) $10,300,000 for fiscal year 2003.''.

SEC. 5. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

''SEC. 14. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

''(a) ESTABLISHMENT.—The Director of the National Science Foundation shall establish the George E. Brown, Jr. Network for Earthquake Engineering Simulation that will upgrade, link, and integrate a system of geographically distributed experimental facilities for earthquake engineering testing of full-sized structures and their components and partial-scale physical models. The system shall be integrated through networking software so that integrated models and databases can be used to create model-based simulation, and the components of the system shall be interconnected with a computer network and allow for remote access, information sharing, and collaborative research.

''(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts appropriated under section 12(c), there are authorized to be appropriated $28,200,000 for fiscal year 2001 for the Network for Earthquake Engineering Simulation. In addition to amounts appropriated under section 12(c), there are authorized to be appropriated to the National Science Foundation for the Network for Earthquake Engineering Simulation—

''(1) $24,400,000 for fiscal year 2002;

''(2) $4,500,000 for fiscal year 2003; and

''(3) $17,000,000 for fiscal year 2004.''.

SEC. 6. BUDGET COORDINATION.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) is amended—

(1) by striking subparagraph (A) of subsection (b)(1) and redesignating subparagraphs (B) through (F) of subsection (b)(1) as subparagraphs (A) through (E), respectively;

(2) by striking ''in this paragraph'' in the last sentence of paragraph (1) of subsection (b) and inserting ''in subparagraph (E)''; and

(3) by adding at the end the following new subsection:

''(c) BUDGET COORDINATION.—

''(1) GUIDANCE.—The Agency shall each year provide guidance to the other Program agencies concerning the preparation of requests for appropriations for activities related to the Program, and shall prepare, in conjunction with the other Program agencies, an annual Program budget to be submitted to the Office of Management and Budget.

''(2) REPORTS.—Each Program agency shall include with its annual request for appropriations submitted to the Office of Management and Budget a report that—

''(A) identifies each element of the proposed Program activities of the agency;

''(B) specifies how each of these activities contributes to the Program; and

''(C) states the portion of its request for appropriations allocated to each element of the Program.''.

SEC. 7. REPORT ON AT-RISK POPULATIONS.

Not later than one year after the date of the enactment of this Act, and after a period for public comment, the Director of the Federal Emergency Management Agency shall transmit to the Congress a report describing the elements of the Program that specifically address the needs of at-risk populations, including the elderly, persons with disabilities, non-English-speaking families, single-parent households, and the poor. Such report shall also identify additional actions that could be taken to address those needs and make recommendations for any additional legislative authority required to take such actions.

SEC. 8. PUBLIC ACCESS TO EARTHQUAKE INFORMATION.

Section 5(b)(2)(A)(ii) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(2)(A)(ii)) is amended by inserting '', and development of means of increasing public access to available locality-specific information that may assist the public in preparing for or responding to earthquakes'' after ''and the general public''.

SEC. 9. LIFELINES.

Section 4(6) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703(6)) is amended by inserting ''and infrastructure'' after ''communication facilities''.

SEC. 10. SCIENTIFIC EARTHQUAKE STUDIES ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish a Scientific Earthquake Studies Advisory Committee.

(b) ORGANIZATION.—The Director shall establish procedures for selection of individuals not employed by the Federal Government who are qualified in the seismic sciences and other appropriate fields and may, pursuant to such procedures, select up to ten individuals, one of whom shall be designated Chairman, to serve on the Advisory Committee. Selection of individuals for the Advisory Committee shall be based solely on established records of distinguished service, and the Director shall ensure that a reasonable cross-section of views and expertise is represented. In selecting individuals to serve on the Advisory Committee, the Director shall seek and give due consideration to recommendations from the National Academy of Sciences, professional societies, and other appropriate organizations.

(c) MEETINGS.—The Advisory Committee shall meet at such times and places as may be designated by the Chairman in consultation with the Director.

(d) DUTIES.—The Advisory Committee shall advise the Director on matters relating to the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program, including the United States Geological Survey's roles, goals, and objectives within that Program, its capabilities and research needs, guidance on achieving major objectives, and establishing and measuring performance goals. The Advisory Committee shall issue an annual report to the Director for submission to Congress on or before September 30 of each year. The report shall describe the Advisory Committee's activities and address policy issues or matters that affect the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program.

EXTENDING ENERGY CONSERVATION PROGRAMS

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 2884, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2884) to extend energy conservation programs under the Energy Policy

and Conservation Act through fiscal year 2003.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4327

Mr. SESSIONS. Senators MURKOWSKI and BINGAMAN have an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI, proposes an amendment numbered 4327.

(The text of the amendment is printed in today's Record under ''Amendments Submitted.'')

Mr. SESSIONS. I ask unanimous consent the amendment be agreed to, the bill be read the third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

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

The amendment (No. 4327) was agreed to.

The bill (H.R. 2884), as amended, was read the third time and passed.

CONVEYING PUBLIC DOMAIN LAND IN THE SAN BERNARDINO NATIONAL FOREST IN THE STATE OF CALIFORNIA

Mr. SESSIONS. I ask unanimous consent the Energy Committee be discharged from further consideration of H.R. 3657, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3657) to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4328

Mr. SESSIONS. Senator MURKOWSKI has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI, proposes an amendment numbered 4328.

The amendment is as follows:

SECTION 1. LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—Subject to valid existing rights and settlement of claims as provided in this section, the Secretary of Agriculture shall convey to KATY 101.3 FM (in this section referred to as ''KATY'') all right, title and interest of the United States in and to a parcel of real property consisting of approximately 1.06 acres within the San Bernardino National Forest in Riverside County, California, generally located in the north ½ of section 23, township 5 south, range 2 east, San Bernardino meridian.

(b) LEGAL DESCRIPTION.—The Secretary and KATY shall, by mutual agreement, prepare the legal description of the parcel of real property to be conveyed under subsection (a), which is generally depicted as Exhibit A–2 in an appraisal report of the subject parcel dated August 26, 1999, by Paul H. Meiling.

(c) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Any appraisal to determine the fair market value of the parcel shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition and approved by the Secretary.

(d) SETTLEMENT.—In addition to the consideration referred to in subsection (c), upon the receipt of $16,600 paid by KATY to the Secretary, the Secretary shall release KATY from any and all claims of the United States arising from the occupancy and use of the San Bernardino National Forest by KATY for communication site purposes.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real property to be conveyed under subsection (a).

(f) ADMINISTRATIVE COSTS.—Any costs associated with the creation of a subdivided parcel, recordation of a survey, zoning, and planning approval, and similar expenses with respect to the conveyance under this section, shall be borne by KATY.

(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel of real property referred to in subsection (a), KATY, and its successors and assigns will indemnify and hold harmless the United States for any and all liability to General Telephone and Electronics Corporation (also known as ''GTE'') KATY, and any third party that is associated with the parcel, including liability for any buildings or personal property on the parcel belonging to GTE and any other third parties.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to this section shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for the inclusion in the San Bernardino National Forest.

(i) RECEIPTS ACT AMENDMENT.—The Act of June 15, 1938 (Chapter 438:52 Stat. 699), as amended by the Acts of May 26, 1944 (58 Stat. 227), is further amended—

(1) by striking the comma after the words ''Secretary of Agriculture'';

(2) by striking the words ''with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U.S.C. 513),'';

(3) by inserting the words '', real property or interests in lands,'' after the word ''lands'' the first time it is used;

(4) by striking ''San Bernardino and Cleveland'' and inserting ''San Bernardino, Cleveland and Los Angeles'';

(5) by striking ''county of Riverside'' each place it appears and inserting ''counties of Riverside and San Bernardino'';

(6) by striking ''as to minimize soil erosion and flood damage'' and inserting ''for National Forest System purposes''; and

(7) after the ''Provided further, That'', by striking the remainder of the sentence to the end of the paragraph, and inserting ''twelve and one-half percent of the monies otherwise payable to the State of California for the benefit of San Bernardino County under the aforementioned Act of March 1, 1911 (16 U.S.C. 500) shall be available to be appropriated for expenditure in furtherance of this Act.''.

SEC. 2. SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT CLARIFYING AMENDMENTS.

The Santa Rosa and San Jacinto Mountains National Monument Act of 2000 is amended as follows:

(1) In the second sentence of section 2(d)(1), by striking ''and the Committee on Agriculture, Nutrition, and Forestry''.

(2) In the second sentence of section 4(a)(3), by striking ''Nothing in this section'' and inserting ''Nothing in this Act''.

(3) In section 4(c)(1), by striking ''any person, including''.

(4) In section 5, by adding at the end the following:

''(j) WILDERNESS PROTECTION.—Nothing in this Act alters the management of any areas designated as Wilderness which are within the boundaries of the National Monument. All such areas shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.), the laws designating such areas as Wilderness, and other applicable laws. If any part of this Act conflicts with any provision of those laws with respect to the management of the Wilderness areas, such provision shall control.''.

SEC. 3. TECHNICAL CORRECTION.

The Santo Domingo Pueblo Claims Settlement Act of 2000 is amended by adding at the end:

''SEC. 7. MISCELLANEOUS PROVISIONS.

''(a) EXCHANGE OF CERTAIN LANDS WITH NEW MEXICO.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall acquire by exchange the State of New Mexico trust lands located in township 16 north, range 4 east, section 2, and all interests therein, including improvements, mineral rights and water rights.

''(2) USE OF OTHER LANDS.—In acquiring lands by exchange under paragraph (1), the Secretary may utilize unappropriated public lands within the State of New Mexico.

''(3) VALUE OF LANDS.—The lands exchanged under this subsection shall be of approximately equal value, and the Secretary may credit or debit the ledger account established in the Memorandum of Understanding between the Bureau of Land Management, the New Mexico State Land Office, and the New Mexico Commissioner of Public Lands, in order to equalize the values of the lands exchanged.

''(4) CONVEYANCE.—

''(A) BY SECRETARY.—Upon the acquisition of lands under paragraph (1), the Secretary shall convey all title and interest to such lands to the Pueblo by sale, exchange or otherwise, and the Pueblo shall have the exclusive right to acquire such lands.

''(B) BY PUEBLO.—Upon the acquisition of lands under subparagraph (A), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

(b) OTHER EXCHANGES OF LAND.—

''(1) IN GENERAL.—In order to further the purposes of this Act—

''(A) the Pueblo may enter into agreements to exchange restricted lands for lands described in paragraph (2); and

''(B) any land exchange agreements between the Pueblo and any of the parties to the action referred to in paragraph (2) that are executed not later than December 31, 2001, shall be deemed to be approved.

''(2) LANDS.—The land described in this paragraph is the land, title to which was at issue in Pueblo of Santo Domingo v. Rael (Civil No. 83–1888 (D.N.M.)).

''(3) LAND TO BE HELD IN TRUST.—Upon the acquisition of lands under paragraph (1), the

Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the provisions of section 5(a) relating to the extinguishment of the land claims of the Pueblo.

''(c) APPROVAL OF CERTAIN RESOLUTIONS.—All agreements, transactions, and conveyances authorized by Resolutions 97–010 and C22–99 as enacted by the Tribal Council of the Pueblo de Cochiti, and Resolution S.D. 12–99–36 as enacted by the Tribal Council of the Pueblo of Santo Domingo, pertaining to boundary disputes between the Pueblo de Cochiti and the Pueblo of Santo Domingo, are hereby approved, including the Pueblo de Cochiti's agreement to relinquish its claim to the southwest corner of its Spanish Land Grant, to the extent that such land overlaps with the Santo Domingo Pueblo Grant, and to disclaim any right to receive compensation from the United States or any other party with respect to such overlapping lands.''

Mr. SESSIONS. I ask unanimous consent the amendment be agreed to.

The amendment (No. 4328) was agreed to.

Mr. SESSIONS. I ask unanimous consent the bill be read the third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3657), as amended, was read the third time and passed.

AUTHORIZING THE EXCHANGE OF LAND AT THE GEORGE WASHINGTON MEMORIAL PARKWAY IN McLEAN, VIRGINIA

Mr. SESSIONS. Mr. President, I ask unanimous consent the Energy Committee be discharged from further consideration of H.R. 4835, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4835) to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

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

The bill (H.R. 4835) was read the third time and passed.

EDUCATION LAND GRANT ACT

Mr. SESSIONS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill H.R. 150.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 150) entitled ''An Act to authorize the Secretary of Agriculture to convey National Forest System lands for use for educational purposes, and for other purposes'', with the following House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION. 1. SHORT TITLE.

This Act may be cited as the ''Education Land Grant Act''.

SEC. 2. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) AUTHORITY TO CONVEY.—Upon application, the Secretary of Agriculture may convey National Forest System lands for use for educational purposes if the Secretary determines that—

(1) the entity seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System; and

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use.

(b) ACREAGE LIMITATION.—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) COSTS AND MINERAL RIGHTS.—A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral rights.

(d) REVIEW OF APPLICATIONS.—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) REVERSIONARY INTEREST.—If at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, without the consent of the Secretary, title to the lands shall revert to the United States.

AMENDMENT NO. 4329

Mr. SESSIONS. I ask unanimous consent the Senate concur in the amendment of the House, with further amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI, proposes an amendment numbered 4329.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The amendment (No. 4329) was agreed to.

GREATER YUMA PORT AUTHORITY CONVEYANCE

Mr. SESSIONS. I ask unanimous consent the Senate proceed to the consideration of Calendar No. 930, H.R. 3023.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3023) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

[Omit the part in boldface brackets and insert the part printed in italic.]

S. 3023

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

SECTION 1. CONVEYANCE OF LANDS TO THE GREATER YUMA PORT AUTHORITY.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may, in the 5-year period beginning on the date of the enactment of this Act and in accordance with the conditions specified in subsection (b) convey to the Greater Yuma Port Authority the interests described in paragraph (2).

(2) INTERESTS DESCRIBED.—The interests referred to in paragraph (1) are the following:

(A) All right, title, and interest of the United States in and to the lands comprising Section 23, Township 11 South, Range 24 West, G&SRBM, Lots 1–4, NE¼, N½ NW¼, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(B) All right, title, and interest of the United States in and to the lands comprising Section 22, Township 11 South, Range 24 West, G&SRBM, East 300 feet of Lot 1, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(C) All right, title, and interest of the United States in and to the lands comprising Section 24, Township 11 South, Range 24 West, G&SRBM, West 300 feet, excluding lands in the 60-foot border strip, in Yuma County, Arizona.

(D) All right, title, and interest of the United States in and to the lands comprising the East 300 feet of the Southeast Quarter of Section 15, Township 11 South, Range 24 West, G&SRBM, in Yuma County, Arizona.

(E) The right to use lands in the 60-foot border strip excluded under subparagraphs (A), (B), and (C), for ingress to and egress from the international boundary between the United States and Mexico.

(b) DEED COVENANTS AND CONDITIONS.—Any conveyance under subsection (a) shall be subject to the following covenants and conditions:

(1) A reservation of rights-of-way for ditches and canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), as it has been, or may hereafter be amended.

(2) A leasehold interest in Lot 1, and the west 100 feet of Lot 2 in Section 23 for the operation of a Cattle Crossing Facility, currently being operated by the Yuma-Sonora Commercial Company, Incorporated. The lease as currently held contains 24.68 acres, more or less. Any renewal or termination of the lease shall be by the Greater Yuma Port Authority.

(3) Reservation by the United States of a 245-foot perpetual easement for operation and maintenance of the 242 Lateral Canal and Well Field along the northern boundary of the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24 as shown on Reclamation Drawing Nos. 1292–303–3624, 1292–303–3625, and 1292–303–3626.

(4) A reservation by the United States of all rights to the ground water in the East 300 feet of Section 15, the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24, and the right to remove, sell, transfer, or exchange the water to meet the obligations of the Treaty of 1944 with the Republic of Mexico, and Minute Order No. 242 for the delivery of salinity controlled water to Mexico.

(5) A reservation of all rights-of-way and easements existing or of record in favor of the public or third parties.

(6) A right-of-way reservation in favor of the United States and its contractors, and the State of Arizona, and its contractors, to utilize a 33-foot easement along all section lines to freely give ingress to, passage over, and egress from areas in the exercise of official duties of the United States and the State of Arizona.

(7) Reservation of a right-of-way to the United States for a 100-foot by 100-foot parcel for each of the Reclamation monitoring wells, together with unrestricted ingress and egress to both sites. One monitoring well is located in Lot 1 of Section 23 just north of the Boundary Reserve and just west of the Cattle Crossing Facility, and the other is located in the southeast corner of Lot 3 just north of the Boundary Reserve.

(8) An easement comprising a 50-foot strip lying North of the 60-foot International Boundary Reserve for drilling and operation of, and access to, wells.

(9) A reservation by the United States of 15/16 of all gas, oil, metals, and mineral rights.

(10) A reservation of 1/16 of all gas, oil, metals, and mineral rights retained by the State of Arizona.

(11) Such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Greater Yuma Port Authority shall pay the United States consideration equal to the fair market value on the date of the enactment of this Act of the interest conveyed.

[(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined—

[(A) taking into account that the land is undeveloped, that 80 acres of the land is intended to be dedicated to use by the Federal Government for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes; and

[(B) deducting the cost of compliance with applicable Federal laws pursuant to subsection (e).]

(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined taking into account that the land is undeveloped, that 80 acres is intended to be dedicated to use by the United States for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes.

(d) USE.—The Greater Yuma Port Authority and its successors shall use the interests conveyed solely for the purpose of the construction and operation of an international port of entry and related activities.

(e) COMPLIANCE WITH LAWS.—Before the date of the conveyance, actions required with respect to the conveyance under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable Federal laws must be completed at no cost to the United States.

(f) USE OF 60-FOOT BORDER STRIP.—Any use of the 60-foot border strip shall be made in coordination with Federal agencies having authority with respect to the 60-foot border strip.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of property conveyed under this section, and of any right-of-way that is subject to a right of use conveyed pursuant to subsection (a)(2)(E), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Greater Yuma Port Authority.

(h) DEFINITIONS.—

(1) 60-FOOT BORDER STRIP.—The term ''60-foot border strip'' means lands in any of the Sections of land referred to in this Act located within 60 feet of the international boundary between the United States and Mexico.

(2) GREATER YUMA PORT AUTHORITY.—The term ''Greater Yuma Port Authority'' means Trust No. 84–184, Yuma Title & Trust Company, an Arizona Corporation, a trust for the benefit of the Cocopah Tribe, a Sovereign Nation, the County of Yuma, Arizona, the City of Somerton, and the City of San Luis, Arizona, or such other successor joint powers agency or public purpose entity as unanimously designated by those governmental units.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation.

Mr. SESSIONS. I ask unanimous consent the committee amendment be withdrawn.

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

AMENDMENT NO. 4330

Mr. SESSIONS. Senator MURKOWSKI has an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI, proposes an amendment numbered 4330.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. SESSIONS. I ask unanimous consent the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4330) was agreed to.

The bill (H.R. 3023), as amended, was read the third time and passed.

SPANISH PEAKS WILDERNESS ACT OF 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 898, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 898) designating certain land in San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness''.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4331

Mr. SESSIONS. Mr. President, Senator MURKOWSKI has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI, for himself and Mr. BINGAMAN, proposes an amendment numbered 4331.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4331) was agreed to.

The bill (H.R. 898), as amended, was read the third time and passed.

SAFETY AND WELL-BEING OF U.S. CITIZENS INJURED WHILE TRAVELING IN MEXICO

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H. Con. Res. 232, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 232) expressing the sense of the Congress concerning the safety and well-being of United States citizens injured while traveling in Mexico.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

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

The resolution (H. Con. Res. 232) was agreed to.

The preamble was agreed to.

INTERNATIONAL MALARIA CONTROL ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 728, S. 2943.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2943) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2943) was read the third time and passed, as follows:

S. 2943

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''International Malaria Control Act of 2000''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The World Health Organization estimates that there are 300,000,000 to 500,000,000 cases of malaria each year.

(2) According to the World Health Organization, more than 1,000,000 persons are estimated to die due to malaria each year.

(3) According to the National Institutes of Health, about 40 percent of the world's population is at risk of becoming infected.

(4) About half of those who die each year from malaria are children under 9 years of age.

(5) Malaria kills one child each 30 seconds.

(6) Although malaria is a public health problem in more than 90 countries, more than 90 percent of all malaria cases are in sub-Saharan Africa.

(7) In addition to Africa, large areas of Central and South America, Haiti and the Dominican Republic, the Indian subcontinent, Southeast Asia, and the Middle East are high risk malaria areas.

(8) These high risk areas represent many of the world's poorest nations.

(9) Malaria is particularly dangerous during pregnancy. The disease causes severe anemia and is a major factor contributing to maternal deaths in malaria endemic regions.

(10) Pregnant mothers who are HIV-positive and have malaria are more likely to pass on HIV to their children.

(11) ''Airport malaria'', the importing of malaria by international travelers, is becoming more common, and the United Kingdom reported 2,364 cases of malaria in 1997, all of them imported by travelers.

(12) In the United States, of the 1,400 cases of malaria reported to the Centers for Disease Control and Prevention in 1998, the vast majority were imported.

(13) Between 1970 and 1997, the malaria infection rate in the United States increased by about 40 percent.

(14) Malaria is caused by a single-cell parasite that is spread to humans by mosquitoes.

(15) No vaccine is available and treatment is hampered by development of drug-resistant parasites and insecticide-resistant mosquitoes.

SEC. 3. ASSISTANCE FOR MALARIA PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

(a) FINDINGS.—Congress recognizes the growing international problem of malaria and the impact of this epidemic on many nations, particularly in the nations of sub-Saharan Africa. Congress further recognizes the negative interaction among the epidemics of malaria, HIV and tuberculosis in many nations, particularly in the nations of sub-Saharan Africa. Congress directs the Administrator of the United States Agency for International Development to undertake activities designed to control malaria in recipient countries by—

(1) coordinating with the appropriate Federal officials and organizations to develop and implement, in partnership with recipient nations, a comprehensive malaria prevention and control program; and

(2) coordinating, consistent with clause (i), malaria prevention and control activities with efforts by recipient nations to prevent and control HIV and tuberculosis.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President $50,000,000 for each of the fiscal years 2001 and 2002 to carry out this paragraph.

SEC. 4. COORDINATION AND CONSULTATION.

(a) IN GENERAL.—In providing the assistance and carrying out the activities provided for under this Act, the Administrator of the United States Agency for International Development should work in coordination with appropriate Federal officials.

(b) PURPOSE.—The purpose of such interagency coordination and consultation is to help ensure that the financial assistance provided by the United States is utilized in a manner that advances, to the greatest extent possible, the public health of recipient countries.

(c) PROVISION OF INFORMATION TO RECIPIENT COUNTRIES.—The Administrator of the United States Agency for International Development shall take appropriate steps to provide recipient countries with information concerning the development of vaccines and therapeutic agents for, HIV, malaria, and tuberculosis.

(d) INFORMATION SPECIFIED.—The Administrator of the United States Agency for International Development should provide to appropriate officials in recipient countries information concerning participation in, and the results of, clinical trials conducted by United States Government agencies for vaccines and therapeutic agents for HIV, malaria, and tuberculosis.

(e) CONSIDERATION OF INTERACTION AMONG EPIDEMICS.—The Administrator of the United States Agency for International Development should consider the interaction among the epidemics of HIV, malaria, and tuberculosis as the United States provides financial and technical assistance to recipient countries under this Act.

SUPPORTING EFFORTS OF BOLIVIA'S DEMOCRATICALLY ELECTED GOVERNMENT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 375, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 375) supporting the efforts of Bolivia's democratically elected government.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 375) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 375

Whereas the stability of democracy in Latin America and the eradication of illegal narcotics from the Andean nations are vital national security interests of the United States;

Whereas the democratically elected Government of Bolivia has taken dramatic steps to eradicate illegal narcotics under the Dignity Plan, resulting in the elimination of 80 percent of the illegal coca crop in just two years, a record of achievement unmatched worldwide;

Whereas the Government of Bolivia is now approaching the completion of coca eradication in the Chapare and will begin eradication operations in the Yungas regions in 2002;

Whereas there are indications that narcotics traffickers from outside Bolivia are stepping up efforts to keep a foothold in Bolivia by agitating among the rural poor and indigenous populations, creating civil disturbances, blockading roads, organizing strikes and protests, and taking actions designed to force the Government of Bolivia to abandon its aggressive counter narcotics campaign; and

Whereas the government of Bolivian President Hugo Banzer Suarez has shown remarkable restraint in dealing with the protesters through dialogue and openness while respecting human rights: Now, therefore, be it

Resolved, That (a) the Senate calls upon the Government of Bolivia to continue its successful program of coca eradication and looks forward to the Government of Bolivia achieving its commitment to the total eradication of illegal coca in Bolivia by the end of 2002.

(b) It is the sense of the Senate that—

(1) the United States, as a full partner in Bolivia's efforts to build democracy, to eradicate illegal narcotics, and to reduce poverty through development and economic growth, should fully support the democratically elected Government of Bolivia;

(2) the release of emergency supplemental assistance already approved by the United States for sustainable development activities in Bolivia should be accelerated;

(3) on a priority basis, the President should look for additional ways to provide increased tangible support to the people and Government of Bolivia;

(4) the Government of Bolivia should continue to respect the human rights of all of

its citizens and continue to discuss legitimate concerns of Bolivia's rural population; and

(5) indigenous leaders should enter into discussions with the government on issues of concern and cease provocative acts that could lead to escalating violence.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

EXPRESSING SENSE OF CONGRESS REGARDING TAIWAN'S PARTICIPATION IN THE UNITED NATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to consideration of H. Con. Res. 390, which is at the desk.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 390) expressing the sense of the Congress regarding Taiwan's participation in the United Nations and other international organizations.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 390) was agreed to.

The preamble was agreed to.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4068, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4068) to amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I rise today to call on the Senate to support H.R. 4068, which will extend the religious worker visa for an additional three years. I am a cosponsor and strong supporter of Senate legislation that would make permanent the provisions of our immigration law that provide for special immigrant visas for religious workers sponsored by religious organizations in the United States. These visas allow religious denominations or organizations in the United States to bring in foreign nationals to perform religious work here. This modest program—which provides for up to 5,000 religious immigrant visas a year—was created in the Immigration Act of 1990, and has been extended ever since. Although I believe the program should be made permanent, I am willing to support a three-year extension given the lateness of the session and the fact that the program expired upon last week's end of the fiscal year.

The importance of this program to America's religious community has been demonstrated by the fact that leaders from a variety of faiths have come to Congress both this year and in past years to testify on its behalf. It is also important to note, however, that these religious workers contribute significantly not just to their religious communities, but to the community as a whole. They work in hospitals, nursing homes, and homeless shelters. They help immigrants and refugees adjust to the United States. In other words, they perform vital tasks that too often go undone.

I have worked on this issue consistently over the years. Most recently, I cosponsored a bill in 1997 that would have made this program permanent. We were forced in that year as well to settle for a 3-year extension of the program. It is my hope and expectation that this will be the last short-term extension of this program, and that the substantial benefit that our country has derived from this program will lead us to make the program permanent 3 years from now.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4068) was read the third time and passed.

WARTIME VIOLATION OF ITALIAN AMERICAN CIVIL LIBERTIES ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 862, H.R. 2442.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2442) to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

[Omit the parts in boldface brackets and insert the part printed in italic.]

H.R. 2442

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wartime Violation of Italian American Civil Liberties Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The freedom of more than 600,000 Italian-born immigrants in the United States and their families was restricted during World War II by Government measures that branded them "enemy aliens" and included carrying identification cards, travel restrictions, and seizure of personal property.

(2) During World War II more than 10,000 Italian Americans living on the West Coast were forced to leave their homes and prohibited from entering coastal zones. More than 50,000 were subjected to curfews.

(3) During World War II thousands of Italian American immigrants were arrested, and hundreds were interned in military camps.

(4) Hundreds of thousands of Italian Americans performed exemplary service and thousands sacrificed their lives in defense of the United States.

(5) At the time, Italians were the largest foreign-born group in the United States, and today are the fifth largest immigrant group in the United States, numbering approximately 15 million.

(6) The impact of the wartime experience was devastating to Italian American communities in the United States, and its effects are still being felt.

(7) A deliberate policy kept these measures from the public during the war. Even 50 years later much information is still classified, the full story remains unknown to the public, and it has never been acknowledged in any official capacity by the United States Government.

SEC. 3. REPORT.

The **[**Inspector**]** *Attorney* General **[**of the Department of Justice**]** shall conduct a comprehensive review of the treatment by the United States Government of Italian Americans during World War II, and not later than one year after the date of the enactment of this Act shall submit to the Congress a report that documents the findings of such review. The report shall cover the period between September 1, 1939, and December 31, 1945, and shall include the following:

(1) The names of all Italian Americans who were taken into custody in the initial roundup following the attack on Pearl Harbor, and prior to the United States declaration of war against Italy.

(2) The names of all Italian Americans who were taken into custody.

(3) The names of all Italian Americans who were interned and the location where they were interned.

(4) The names of all Italian Americans who were ordered to move out of designated areas under the United States Army's "Individual Exclusion Program".

(5) The names of all Italian Americans who were arrested for curfew, contraband, or other violations under the authority of Executive Order No. 9066.

(6) Documentation of Federal Bureau of Investigation raids on the homes of Italian Americans.

(7) A list of ports from which Italian American fishermen were restricted.

(8) The names of Italian American fishermen who were prevented from fishing in prohibited zones and therefore unable to pursue their livelihoods.

(9) The names of Italian Americans whose boats were confiscated.

(10) The names of Italian American railroad workers who were prevented from working in prohibited zones.

(11) A list of all civil liberties infringements suffered by Italian Americans during World War II, as a result of Executive Order No. 9066, including internment, hearings without benefit of counsel, illegal searches and seizures, travel restrictions, enemy alien registration requirements, employment restrictions, confiscation of property, and forced evacuation from homes.

(12) An explanation of [why some] *whether* Italian Americans were subjected to civil liberties infringements, as a result of Executive Order No. 9066, [while] *and if so, why* other Italian Americans were not.

(13) A review of the wartime restrictions on Italian Americans to determine how civil liberties can be better protected during national emergencies.

SEC. 4. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the story of the treatment of Italian Americans during World War II needs to be told in order to acknowledge that these events happened, to remember those whose lives were unjustly disrupted and whose freedoms were violated, to help repair the damage to the Italian American community, and to discourage the occurrence of similar injustices and violations of civil liberties in the future;

(2) Federal agencies, including the Department of Education and the National Endowment for the Humanities, should support projects such as—

(A) conferences, seminars, and lectures to heighten awareness of this unfortunate chapter in our Nation's history;

(B) the refurbishment of and payment of all expenses associated with the traveling exhibit ''Una Storia Segreta'', exhibited at major cultural and educational institutions throughout the United States; and

(C) documentaries to allow this issue to be presented to the American public to raise its awareness;

(3) an independent, volunteer advisory committee should be established comprised of representatives of Italian American organizations, historians, and other interested individuals to assist in the compilation, research, and dissemination of information concerning the treatment of Italian Americans; and

(4) after completion of the report required by this Act, financial support should be provided for the education of the American public through the production of a documentary film suited for public broadcast.

[SEC. 5. FORMAL ACKNOWLEDGEMENT.]

(5) The President [shall] *should*, on behalf of the United States Government, formally acknowledge that these events during World War II represented a fundamental injustice against Italian Americans.

Mr. FEINGOLD. Mr. President, I rise today to speak on the Wartime Violation of Italian American Civil Liberties Act. While the American people generally know about the internment of Japanese Americans during World War II, they are largely unaware of the U.S. government's mistreatment of people of other ethnic backgrounds during this difficult time in our nation's history. I believe we need a complete and thorough review of our government's mistreatment of Americans during World War II.

Mr. President, S. 2442 is a worthy bill. I had some reservations about this bill because it is not as inclusive as it might have been. The U.S. should fully assess its treatment of all Americans of European descent during World War II, including Italian and German Americans, as well as European refugees fleeing persecution, to acknowledge those whose lives were unjustly disrupted and whose freedoms were violated and to discourage the future occurrence of similar injustices.

I recognize, however, that time is short in this session of Congress. So, I will not object to H.R. 2442 going forward at this time. But I want my colleagues to know that by withholding an objection at this time, I am not abandoning my effort to make sure that the mistreatment of other Americans during World War II, including German Americans, and European refugees are also properly recognized and reviewed. I look forward to working with Senator HATCH and my colleagues on this issue next year.

Mr. HATCH. I thank the Senator from Wisconsin for his comments. I appreciate the Senator's comments and plan to work with him next year to examine the experiences of others whose liberties may not have been respected by our government during World War II.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (H.R. 2442), as amended, was read the third time and passed.

AMENDING THE HMONG VETERANS' NATURALIZATION ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5234, received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5234) to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

There being no objection, the Senate proceeded to consider the bill.

Mr. WELLSTONE. Mr. President, I want to thank my colleagues for their support for H.R. 5234, which I introduced in the Senate as S. 3060. I am so pleased that the Senate will pass this critical legislation. It will ensure that widows and widowers of Hmong veterans who died in Laos, Thailand and Vietnam are also covered by the Hmong Veterans Naturalization Act. This critical change applies fairness to the law so that widows, like spouses of surviving veterans, will be able to take the United States citizenship test with a translator.

The United States owes a great debt to the widows of Hmong veterans. During the Vietnam War, in the covert operations in Laos, they sacrificed everything they had in service to this country. It is almost impossible to imagine the impact of the Vietnam War on the Hmong Community in South East Asia. Hmong soldiers died at ten times the rate of American soldiers in the Vietnam War. As many as 20,000 Hmong were killed serving our country. When adults were killed, children as young as twelve and thirteen rose up to take their place. When Hmong soldiers died, they left behind families with no means of support. They left their loved ones to fend for themselves in a hostile country.

Because of the covert nature of the United States Operations in Laos, the heroics and sacrifice of this community long went unrecognized. By facilitating the naturalization of Hmong widows, we offer small compensation, but tremendous thanks and honor to people who gave us their lives and livelihoods. Twenty five years later, we cannot give them back their loved ones, though their loved ones gave their lives for us. All we can do is we honor their service in a way that is long overdue and give them the tools to become citizens in the nation for which they heroically fought, and died.

No one in Congress understood better what we owe to the Hmong community than my old and dear friend, Congressman Bruce Vento. No one here did more for the Hmong people. He dedicated himself to ensure that Hmong and Lao veterans and their families received the honor and respect that was so long deserved and too long delayed. One of the many great legacies of his life will indeed be his work with the Hmong community in Minnesota. I wish to honor him today for that dedication and for that deep respect and compassion. But there is no tribute I can deliver that would bring him more greater pride than when 45,000 Hmong veterans, widows and spouses whom he was one of the first to recognize as American heroes, become American citizens.

I thank my colleagues again for their support.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5234) was read the third time and passed.

MOTHER TERESA RELIGIOUS WORKERS ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 587, S. 2406.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2406) to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the

table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2406) was read the third time and passed, as follows:

S. 2406

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mother Teresa Religious Workers Act''.

SEC. 2. PERMANENT AUTHORITY FOR ENTRY INTO UNITED STATES OF CERTAIN RELIGIOUS WORKERS.

Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking ''before October 1, 2000,'' each place it appears.

EDUCATION LAND GRANT ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2812).

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2812) entitled ''An Act to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE FOR NATURALIZATION OF ALIENS HAVING CERTAIN DISABILITIES.

Section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended by adding at the end the following:

''The Attorney General may waive the taking of the oath by a person if in the opinion of the Attorney General the person is unable to understand, or to communicate an understanding of, its meaning because of a physical or developmental disability or mental impairment. If the Attorney General waives the taking of the oath by a person under the preceding sentence, the person shall be considered to have met the requirements of section 316(a)(3) with respect to attachment to the principles of the Constitution and well disposition to the good order and happiness of the United States.''.

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall apply to persons applying for naturalization before, on, or after the date of the enactment of this Act.

Mr. DODD. Mr. President, I rise to thank my colleagues for unanimously agreeing to pass S. 2812, a bill introduced earlier this year by Senator HATCH and myself to amend the Immigration and nationality Act to eliminate a barrier that has prevented persons with certain mental disabilities from becoming United States citizens. By passing this bill today, Congress will make our immigration policy more fair and more humane.

The bill we will pass today will not dramatically change or improve our immigration policies—that work remains to be done—but this bill will make a big difference in the lives of a few American families—families like the Dowds, the Costas, the Wickers, and the Teixlers of Connecticut. Back in July, I explained why we need to pass this legislation. I told a story about a young man named Mathieu. Mathieu's family—his mother, his father, and his sister—have all become naturalized U.S. citizens. But Mathieu has not been allowed to become a citizen because he's a 23-year-old autistic man who cannot swear an oath of loyalty to the United States, which is required as part of the naturalization process. His naturalization request has been in limbo since November of 1996 because Mathieu could not understand some of the questions he was asked by the INS agent processing his application for citizenship. For years Mathieu's mother has lived in fear that her most vulnerable child could be removed from the country and sent to a nation that he hardly knows, and where he has no family or friends.

As I explained in July, Mathieu's mother—again, a United States citizen—wants what every American in her position would want. She wants to know that all of her children, including her most vulnerable child, will have the protections of citizenship. Mathieu's life is here. His friends and caregivers are here. His family is here. Mathieu's place is here, and now, with the passage of this bill, Mathieu's mother can rest easy because Mathieu can join the rest of his family as a U.S. citizen.

This legislation has not been the subject of great debate, but it is an important correction for us to make. I thank Catherine Cushman, and attorney who works for the Connecticut Office of Protection and Advocacy for Persons with Disabilities, for bringing this issue to my attention. I also thank Catholic Charities, USA for their guidance and expertise on this matter. Finally, I thank Senator HATCH, Senator DEWINE, Senator FEINGOLD, Senator FEINSTEIN, Senator KENNEDY, and Senator KOHL for their support of this bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

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

INTERNATIONAL PATIENT ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 2961, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2961) to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the visa waiver pilot program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2961) was read the third time and passed.

GREAT APE CONSERVATION ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 921, H.R. 4320.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4320) to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4320) was read the third time and passed.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION APPROPRIATIONS, FISCAL YEARS 2002 THROUGH 2005

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 914, H.R. 4110.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4110) to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4110) was read the third time and passed.

APPROVING PLACEMENT OF PAINTINGS IN SENATE RECEPTION ROOM

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 380 submitted by Senator LOTT and Senator DASCHLE.

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

The legislative clerk read as follows:

A resolution (S. Res. 380) approving the placement of 2 paintings in the Senate reception room.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble 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. 380) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 380

Resolved, That the Senate Commission on Art (referred to in this resolution as the ''Commission'') shall procure appropriate paintings of Senator Arthur H. Vandenberg and Senator Robert F. Wagner and place such paintings in the 2 unfilled spaces on the south wall of the Senate reception room.

SEC. 2. (a) The paintings shall be rendered in oil on canvas and shall be consistent in style and manner with the paintings of Senators Clay, Calhoun, Webster, LaFollette, and Taft now displayed in the Senate reception room.

(b) The paintings may be procured through purchase, acceptance as a gift of appropriate existing paintings, or through the execution of appropriate paintings by a qualified artist or artists to be selected and contracted by the Commission.

SEC. 3. The expenses of the Commission in carrying out this resolution shall be paid out of the contingent fund of the Senate on vouchers signed by the Secretary of the Senate and approved by the Committee on Rules and Administration.

SUPPORT FOR RECOGNITION OF LIBERTY DAY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 376, which is at the desk.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 376) expressing the sense of the Congress regarding support for the recognition of a Liberty Day.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (H. Con. Res. 376) was agreed to.

The preamble was agreed to.

FEDERAL COURTS IMPROVEMENT ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 860, S. 2915.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2915) to make improvements in the operation and administration of the Federal courts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Courts Improvement Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 101. Extension of Judiciary Information Technology Fund.
Sec. 102. Disposition of miscellaneous fees.
Sec. 103. Transfer of retirement funds.
Sec. 104. Increase in chapter 9 bankruptcy filing fee.
Sec. 105. Increase in fee for converting a chapter 7 or chapter 13 bankruptcy case to a chapter 11 bankruptcy case.
Sec. 106. Bankruptcy fees.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Extension of statutory authority for magistrate judge positions to be established in the district courts of Guam and the Northern Mariana Islands.
Sec. 202. Magistrate judge contempt authority.
Sec. 203. Consent to magistrate judge authority in petty offense cases and magistrate judge authority in misdemeanor cases involving juvenile defendants.
Sec. 204. Savings and loan data reporting requirements.
Sec. 205. Membership in circuit judicial councils.
Sec. 206. Sunset of civil justice expense and delay reduction plans.
Sec. 207. Repeal of Court of Federal Claims filing fee.
Sec. 208. Technical bankruptcy correction.
Sec. 209. Technical amendment relating to the treatment of certain bankruptcy fees collected.
Sec. 210. Maximum amounts of compensation for attorneys.
Sec. 211. Reimbursement of expenses in defense of certain malpractice actions.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Judicial administrative officials retirement matters.
Sec. 302. Applicability of leave provisions to employees of the Sentencing Commission.
Sec. 303. Payments to military survivors benefits plan.
Sec. 304. Creation of certifying officers in the judicial branch.
Sec. 305. Authority to prescribe fees for technology resources in the courts.
Sec. 306. Amendment to the jury selection process.
Sec. 307. Authorization of a circuit executive for the Federal circuit.
Sec. 308. Residence of retired judges.
Sec. 309. Recall of judges on disability status.
Sec. 310. Personnel application and insurance programs relating to judges of the Court of Federal Claims.
Sec. 311. Lump-sum payment for accumulated and accrued leave on separation.
Sec. 312. Employment of personal assistants for handicapped employees.
Sec. 313. Mandatory retirement age for director of the Federal judicial center.

TITLE IV—FEDERAL PUBLIC DEFENDERS

Sec. 401. Tort Claims Act amendment relating to liability of Federal public defenders.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Extensions relating to bankruptcy administrator program.
Sec. 502. Additional place of holding court in the district of Oregon.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 101. EXTENSION OF JUDICIARY INFORMATION TECHNOLOGY FUND.

Section 612 of title 28, United States Code, is amended—

(1) by striking ''equipment'' each place it appears and inserting ''resources'';

(2) by striking subsection (f) and redesignating subsections (g) through (k) as subsections (f) through (j), respectively;

(3) in subsection (g), as so redesignated, by striking paragraph (3); and

(4) in subsection (i), as so redesignated—

(A) by striking ''Judiciary'' each place it appears and inserting ''judiciary'';

(B) by striking ''subparagraph (c)(1)(B)'' and inserting ''subsection (c)(1)(B)''; and

(C) by striking ''under (c)(1)(B)'' and inserting ''under subsection (c)(1)(B)''.

SEC. 102. DISPOSITION OF MISCELLANEOUS FEES.

For fiscal year 2001 and each fiscal year thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States under sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 2000, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

SEC. 103. TRANSFER OF RETIREMENT FUNDS.

Section 377 of title 28, United States Code, is amended by adding at the end the following:

''(p) TRANSFER OF RETIREMENT FUNDS.—Upon election by a bankruptcy judge or a magistrate judge under subsection (f) of this section, all of the accrued employer contributions and accrued interest on those contributions made on behalf of the bankruptcy judge or magistrate judge to the Civil Service Retirement and Disability Fund under section 8348 of title 5 shall be transferred to the fund established under section 1931 of this title, except that if the bankruptcy judge or magistrate judge elects under section 2(c) of the Retirement and Survivor's Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Public Law 100–659), to receive a retirement annuity under both this section and title 5, only the accrued employer contributions and accrued interest on such contributions, made on behalf of the bankruptcy judge or magistrate judge for service credited under this section, may be transferred.''.

SEC. 104. INCREASE IN CHAPTER 9 BANKRUPTCY FILING FEE.

Section 1930(a)(2) of title 28, United States Code, is amended by striking ''$300'' and inserting ''equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds $300 shall be deposited in the fund established under section 1931 of this title''.

SEC. 105. INCREASE IN FEE FOR CONVERTING A CHAPTER 7 OR CHAPTER 13 BANKRUPTCY CASE TO A CHAPTER 11 BANKRUPTCY CASE.

The flush paragraph at the end of section 1930(a) of title 28, United States Code, is amended by striking ''$400'' and inserting ''the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1)''.

SEC. 106. BANKRUPTCY FEES.

Section 1930(a) of title 28, United States Code, is amended by adding at the end the following:

''(7) In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States may require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6) of this subsection. Such fees shall be deposited as offsetting receipts to the fund established under section 1931 of this title and shall remain available until expended.''.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR MAGISTRATE JUDGE POSITIONS TO BE ESTABLISHED IN THE DISTRICT COURTS OF GUAM AND THE NORTHERN MARIANA ISLANDS.

Section 631 of title 28, United States Code, is amended—

(1) by striking the first two sentences of subsection (a) and inserting the following: ''The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Judicial Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court.''; and

(2) by inserting in the first sentence of paragraph (1) of subsection (b) after ''Commonwealth of Puerto Rico,'' the following: ''the Territory of Guam, the Commonwealth of the Northern Mariana Islands,''.

SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.

Section 636(e) of title 28, United States Code, is amended to read as follows:

''(e) CONTEMPT AUTHORITY.—

''(1) IN GENERAL.—A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by the appointment of such magistrate judge the power to exercise contempt authority as set forth in this subsection.

''(2) SUMMARY CRIMINAL CONTEMPT AUTHORITY.—A magistrate judge shall have the power to punish summarily by fine or imprisonment such contempt of the authority of such magistrate judge constituting misbehavior of any person in the magistrate judge's presence so as to obstruct the administration of justice. The order of contempt shall be issued under the Federal Rules of Criminal Procedure.

''(3) ADDITIONAL CRIMINAL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge shall have the power to punish, by fine or imprisonment, criminal contempt constituting disobedience or resistance to the magistrate judge's lawful writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon notice and hearing under the Federal Rules of Criminal Procedure.

''(4) CIVIL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a magistrate judge to order sanctions under any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.

''(5) CRIMINAL CONTEMPT PENALTIES.—The sentence imposed by a magistrate judge for any criminal contempt provided for in paragraphs (2) and (3) shall not exceed the penalties for a Class C misdemeanor as set forth in sections 3581(b)(8) and 3571(b)(6) of title 18.

''(6) CERTIFICATION OF OTHER CONTEMPTS TO THE DISTRICT COURT.—Upon the commission of any such act—

''(A) in any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, or in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, that may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection; or

''(B) in any other case or proceeding under subsection (a) or (b) of this section, or any other statute, where—

''(i) the act committed in the magistrate judge's presence may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection;

''(ii) the act that constitutes a criminal contempt occurs outside the presence of the magistrate judge; or

''(iii) the act constitutes a civil contempt,

the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served, upon any person whose behavior is brought into question under this paragraph, an order requiring such person to appear before a district judge upon a day certain to show cause why that person should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

''(7) APPEALS OF MAGISTRATE JUDGE CONTEMPT ORDERS.—The appeal of an order of contempt under this subsection shall be made to the court of appeals in cases proceeding under subsection (c) of this section. The appeal of any other order of contempt issued under this section shall be made to the district court.''.

SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN PETTY OFFENSE CASES AND MAGISTRATE JUDGE AUTHORITY IN MISDEMEANOR CASES INVOLVING JUVENILE DEFENDANTS.

(a) AMENDMENTS TO TITLE 18.—

(1) PETTY OFFENSE CASES.—Section 3401(b) of title 18, United States Code, is amended by striking ''that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction,'' after ''petty offense''.

(2) CASES INVOLVING JUVENILES.—Section 3401(g) of title 18, United States Code, is amended—

(A) by striking the first sentence and inserting the following: ''The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.'';

(B) in the second sentence by striking ''any other class B or C misdemeanor case'' and inserting ''the case of any misdemeanor, other than a petty offense,''; and

(C) by striking the last sentence.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended by striking paragraphs (4) and (5) and inserting in the following:

''(4) the power to enter a sentence for a petty offense; and

''(5) the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented.''.

SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIREMENTS.

Section 604 of title 28, United States Code, is amended in subsection (a) by striking the second paragraph designated (24).

SEC. 205. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.

Section 332(a) of title 28, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council. Service as a member of a judicial council by a judge retired from regular active service under section 371(b) may not be considered for meeting the requirements of section 371(f)(1) (A), (B), or (C).''; and

(2) in paragraph (5) by striking ''retirement,'' and inserting ''retirement under section 371(a) or 372(a) of this title,''.

SEC. 206. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105–53 (111 Stat. 1173), is amended by inserting ''471,'' after ''sections''.

SEC. 207. REPEAL OF COURT OF FEDERAL CLAIMS FILING FEE.

Section 2520 of title 28, United States Code, and the item relating to such section in the table of contents for chapter 165 of such title, are repealed.

SEC. 208. TECHNICAL BANKRUPTCY CORRECTION.

Section 1228 of title 11, United States Code, is amended by striking ''1222(b)(10)'' each place it appears and inserting ''1222(b)(9)''.

SEC. 209. TECHNICAL AMENDMENT RELATING TO THE TREATMENT OF CERTAIN BANKRUPTCY FEES COLLECTED.

(a) AMENDMENT.—The first sentence of section 406(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101–162; 103 Stat. 1016; 28 U.S.C. 1931 note) is amended by striking ''service enumerated after item 18'' and inserting ''service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989,''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply with respect to fees collected before the date of enactment of this Act.

SEC. 210. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.

Section 3006A(d)(2) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''$3,500'' and inserting ''$5,200''; and

(B) by striking ''$1,000'' and inserting ''$1,500'';

(2) in the second sentence by striking ''$2,500'' and inserting ''$3,700'';

(3) in the third sentence—

(A) by striking ''$750'' and inserting ''$1,200''; and

(B) by striking ''$2,500'' and inserting ''$3,900'';

(4) by inserting after the second sentence the following: ''For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a judicial officer of the district court. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court.''; and

(5) in the last sentence by striking ''$750'' and inserting ''$1,200''.

SEC. 211. REIMBURSEMENT OF EXPENSES IN DEFENSE OF CERTAIN MALPRACTICE ACTIONS.

Section 3006A(d)(1) of title 18, United States Code, is amended by striking the last sentence and inserting ''Attorneys may be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court, and the costs of defending actions alleging malpractice of counsel in furnishing representational services under this section. No reimbursement for expenses in defending against malpractice claims shall be made if a judgment of malpractice is rendered against the counsel furnishing representational services under this section. The United States magistrate or the court shall make determinations relating to reimbursement of expenses under this paragraph.''.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.

(a) DIRECTOR OF ADMINISTRATIVE OFFICE.—Section 611 of title 28, United States Code, is amended—

(1) in subsection (d), by inserting ''a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives,'' after ''Congress,'';

(2) in subsection (b)—

(A) by striking ''who has served at least fifteen years and'' and inserting ''who has at least fifteen years of service and has''; and

(B) in the first undesignated paragraph, by striking ''who has served at least ten years,'' and inserting ''who has at least ten years of service,''; and

(3) in subsection (c)—

(A) by striking ''served at least fifteen years,'' and inserting ''at least fifteen years of service,''; and

(B) by striking ''served less than fifteen years,'' and inserting ''less than fifteen years of service,''.

(b) DIRECTOR OF THE FEDERAL JUDICIAL CENTER.—Section 627 of title 28, United States Code, is amended—

(1) in subsection (e), by inserting ''a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives,'' after ''Congress,'';

(2) in subsection (c)—

(A) by striking ''who has served at least fifteen years and'' and inserting ''who has at least fifteen years of service and has''; and

(B) in the first undesignated paragraph, by striking ''who has served at least ten years,'' and inserting ''who has at least ten years of service,''; and

(3) in subsection (d)—

(A) by striking ''served at least fifteen years,'' and inserting ''at least fifteen years of service,''; and

(B) by striking ''served less than fifteen years,'' and inserting ''less than fifteen years of service,''.

SEC. 302. APPLICABILITY OF LEAVE PROVISIONS TO EMPLOYEES OF THE SENTENCING COMMISSION.

(a) IN GENERAL.—Section 996(b) of title 28, United States Code, is amended by striking all after ''title 5,'' and inserting ''except the following: chapters 45 (Incentive Awards), 63 (Leave), 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), and 89 (Health Insurance), and subchapter VI of chapter 55 (Payment for accumulated and accrued leave).''.

(b) SAVINGS PROVISION.—Any leave that an individual accrued or accumulated (or that otherwise became available to such individual) under the leave system of the United States Sentencing Commission and that remains unused as of the date of the enactment of this Act shall, on and after such date, be treated as leave accrued or accumulated (or that otherwise became available to such individual) under chapter 63 of title 5, United States Code.

SEC. 303. PAYMENTS TO MILITARY SURVIVORS BENEFITS PLAN.

Section 371(e) of title 28, United States Code, is amended by inserting after ''such retired or retainer pay'' the following: '', except such pay as is deductible from the retired or retainer pay as a result of participation in any survivor's benefits plan in connection with the retired pay,''.

SEC. 304. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.

(a) APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following:

''§ 613. Disbursing and certifying officers

''(a) DISBURSING OFFICERS.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such disbursing officers shall—

''(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

''(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

''(3) be held accountable for their actions as provided by law, except that such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

''(b) CERTIFYING OFFICERS.—

''(1) IN GENERAL.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. Such certifying officers shall be responsible and accountable for—

''(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

''(B) the legality of the proposed payment under the appropriation or fund involved; and

''(C) the correctness of the computations of certified payment requests.

''(2) LIABILITY.—The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

''(c) RIGHTS.—A certifying or disbursing officer—

''(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

''(2) is entitled to relief from liability arising under this section in accordance with title 31.

''(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following:

''613. Disbursing and certifying officers.''.

(c) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to authorize the hiring of any Federal officer or employee.

(d) DUTIES OF DIRECTOR.—Section 604(a)(8) of title 28, United States Code, is amended to read as follows:

''(8) Disburse appropriations and other funds for the maintenance and operation of the courts;''.

SEC. 305. AUTHORITY TO PRESCRIBE FEES FOR TECHNOLOGY RESOURCES IN THE COURTS.

(a) IN GENERAL.—Chapter 41 of title 28, United States Code, (as amended by this Act) is amended by adding at the end the following:

''§ 614. Authority to prescribe fees for technology resources in the courts

''The Judicial Conference is authorized to prescribe reasonable fees under sections 1913, 1914, 1926, 1930, and 1932, for collection by the courts for use of information technology resources provided by the judiciary for remote access to the courthouse by litigants and the public, and to facilitate the electronic presentation of cases. Fees under this section may be collected only to cover the costs of making such information technology resources available for the purposes set forth in this section. Such fees shall not be required of persons financially unable to pay them. All fees collected under this section shall be deposited in the Judiciary Information Technology Fund and be available to the Director without fiscal year limitation to be expended on information technology resources developed or acquired to advance the purposes set forth in this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following:

''614. Authority to prescribe fees for technology resources in the courts.''.

(c) TECHNICAL AMENDMENT.—Chapter 123 of title 28, United States Code, is amended—

(1) by redesignating the section 1932 entitled ''Revocation of earned release credit'' as section 1933 and placing it after the section 1932 entitled ''Judicial Panel on Multidistrict Litigation''; and

(2) in the table of sections by striking the 2 items relating to section 1932 and inserting the following:

''1932. Judicial Panel on Multidistrict Litigation.

''1933. Revocation of earned release credit.''.

SEC. 306. AMENDMENT TO THE JURY SELECTION PROCESS.

Section 1865 of title 28, United States Code, is amended—

(1) in subsection (a) by inserting ''or the clerk under supervision of the court if the court's jury selection plan so authorizes,'' after ''jury commission,''; and

(2) in subsection (b) by inserting ''or the clerk if the court's jury selection plan so provides,'' after ''may provide,''.

SEC. 307. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR THE FEDERAL CIRCUIT.

Section 332 of title 28, United States Code, is amended by adding at the end the following:

''(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include the duties specified in subsection (e) of this section, insofar as such duties are applicable to the Court of Appeals for the Federal Circuit.

''(2) The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.

''(3) The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

''(4) The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f)(4).

''(5) The court may appoint either a circuit executive under this subsection or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive.''.

SEC. 308. RESIDENCE OF RETIRED JUDGES.

Section 175 of title 28, United States Code, is amended by adding at the end the following:

''(c) Retired judges of the Court of Federal Claims are not subject to restrictions as to residence. The place where a retired judge maintains the actual abode in which such judge customarily lives shall be deemed to be the judge's official duty station for the purposes of section 456 of this title.''.

SEC. 309. RECALL OF JUDGES ON DISABILITY STATUS.

Section 797(a) of title 28, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) Any judge of the Court of Federal Claims receiving an annuity under section 178(c) of this title (pertaining to disability) who, in the estimation of the chief judge, has recovered sufficiently to render judicial service, shall be known and designated as a senior judge and may perform duties as a judge when recalled under subsection (b) of this section.''.

SEC. 310. PERSONNEL APPLICATION AND INSURANCE PROGRAMS RELATING TO JUDGES OF THE COURT OF FEDERAL CLAIMS.

(a) IN GENERAL.—Chapter 7 of title 28, United States Code, is amended by inserting after section 178 the following:

''§ 179. Personnel application and insurance programs

''(a) For purposes of construing and applying title 5, a judge of the United States Court of Federal Claims shall be deemed to be an 'officer' under section 2104(a) of such title.

''(b) For purposes of construing and applying chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

''(1) is retired under section 178 of this title; and

''(2) was enrolled in a health benefits plan under chapter 89 of title 5 at the time the judge became a retired judge,

shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, notwithstanding the length of enrollment prior to the date of retirement.

''(c) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a judge of the United States Court of Federal Claims in regular active service or who is retired under section 178 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 28, United States Code, is amended by striking the item relating to section 179 and inserting the following:

''179. Personnel application and insurance programs.''.

SEC. 311. LUMP-SUM PAYMENT FOR ACCUMULATED AND ACCRUED LEAVE ON SEPARATION.

Section 5551(a) of title 5, United States Code, is amended in the first sentence by striking ''or elects'' and inserting '', is transferred to a position described under section 6301(2)(xiii) of this title, or elects''.

SEC. 312. EMPLOYMENT OF PERSONAL ASSISTANTS FOR HANDICAPPED EMPLOYEES.

Section 3102(a)(1) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking ''and'';

(2) in subparagraph (B) by adding ''and'' after the semicolon; and

(3) by adding at the end the following:

''(C) an office, agency, or other establishment in the judicial branch;''.

SEC. 313. MANDATORY RETIREMENT AGE FOR DIRECTOR OF THE FEDERAL JUDICIAL CENTER.

(a) IN GENERAL.—Section 627 of title 28, United States Code, is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 376 of title 28, United States Code, is amended—

(1) in paragraph (1)(D) by striking ''subsection (b)'' and inserting ''subsection (a)''; and

(2) in paragraph (2)(D) by striking ''subsection (c) or (d)'' and inserting ''subsection (b) or (c)''.

TITLE IV—FEDERAL PUBLIC DEFENDERS

SEC. 401. TORT CLAIMS ACT AMENDMENT RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.

Section 2671 of title 28, United States Code, is amended in the second undesignated paragraph—

(1) by inserting ''(1)'' after ''includes''; and

(2) by striking the period at the end and inserting the following: '', and (2) any officer or employee of a Federal public defender organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.''.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXTENSIONS RELATING TO BANKRUPTCY ADMINISTRATOR PROGRAM.

Section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking ''or October 1, 2002, whichever occurs first''; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking ''or October 1, 2002, whichever occurs first''; and

(ii) in the matter following subclause (II), by striking ''October 1, 2003, or''; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking ''before October 1, 2003, or''; and

(ii) by striking '', whichever occurs first''.

SEC. 502. ADDITIONAL PLACE OF HOLDING COURT IN THE DISTRICT OF OREGON.

Section 117 of title 28, United States Code, is amended by striking ''Eugene'' and inserting ''Eugene or Springfield''.

AMENDMENT NO. 4332

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. HATCH, proposes an amendment numbered 4332.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HATCH. Mr. President, this amendment in the nature of a substitute is the product of negotiations between myself and Senator LEAHY, the ranking member of the Judiciary Committee, and Senators GRASSLEY and TORRICELLI, the chairman and ranking member of the Administrative Oversight and the Courts Subcommittee. It is my hope that the Senate will act speedily to pass S. 2915, with this amendment, and return it to the House for that body's approval.

As chairman of the Judiciary Committee, I have the responsibility to review the operation of federal court process and procedures. In doing so, I have strived to ensure that our federal judicial system is administered in an efficient and cost-effective manner, while maintaining a high level of quality in the administration of justice. The substitute amendment I am offering today includes numerous changes to our laws that the Judicial Conference, the governing body of the federal courts, believes are necessary to improve the functions of our courts. They are changes that I believe will help increase the efficiency of the federal judiciary, while ensuring that justice is served.

The amendment contains provisions that reduce unnecessary expenses and improve the efficiency of the judicial system. Specifically, it extends civil and criminal contempt authority to magistrate judges so that they can perform more effectively their existing statutory duties for the district court. It also authorizes magistrate judges (1) to try misdemeanor cases involving juveniles (cases that currently are tried in district court) and (2) to try all petty offense cases without first having to obtain the consent of the defendant. Making these changes will reduce caseload burdens on district judges, thereby permitting district judges more time to handle more serious crimes and more serious offenders.

The amendment also contains provisions that decrease the amount of time judges must devote to non-judicial matters. For example, one such provision raises the maximum compensation level paid to federal or community defenders representing defendants appearing before magistrate or district judges before they must seek a waiver for payment in excess of the prescribed maximum. Currently, payment in excess of the maximum requires the approval of both the judge who presided over the case and the chief judge of the

court. Because the last increase in the maximum compensation level was enacted 14 years ago, federal and community defenders are forced to seek payment waivers in a significant number of cases. As a consequence, judges are forced to spend more time acting as an administrator (attending to ministerial matters) and less time acting as a judge (attending to their civil and criminal dockets). The amendment remedies this problem.

In addition, the amendment contains a provision designed to address the growing trend of Criminal Justice Act (''CJA'') panel attorneys being subject to unfounded suits by the defendants they formerly represented. Under current law, CJA panel attorneys must pay their own legal expenses in defending malpractice suits brought by former clients. The result is a chilling effect on the willingness of attorneys to participate as CJA panel attorneys—a chilling effect that serves only to make the obtaining of adequate representation for defendants more difficult. Under current law, the Director of the Administrative Office of the United States Courts is authorized to provide representation for and indemnity to federal and community defender organizations for malpractice claims that arise as a result or furnishing representational services. No such provision, however, is made for CJA panel attorneys. The amendment rectifies this situation and provides CJA panel attorneys with the same protection afforded other federal defenders.

Importantly, the amendment contains provisions designed to assist handicapped employees working for the federal judiciary. These provisions bring the federal judiciary into alignment with the Executive Branch and other government bodies.

The amendment also contains a provision extending for four years the authority of the U.S. Supreme Court Police to provide security beyond the Supreme Court building and grounds for Justices, Court employees, and official visitors. Under current law, this authority will terminate automatically on December 29, 2000. Because security concerns of the Justices and employees of the Supreme Court have not diminished, it is essential that the off-grounds authority of the Supreme Court Police be continued without interruption.

I have touched on only a few of the provisions contained in this amendment. This amendment sets forth a number of other provisions designed to improve judicial financial and personnel administration, judicial process, and other court-related matters. Each of these provisions is intended to enhance the operation of the federal judiciary. It is my hope that my colleagues in the Senate will agree to this amendment quickly, that the House will do likewise, and that this legislation will be signed by the President in short order.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4332) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2915), as amended, was read the third time and passed.

HART-SCOTT-RODINO ANTITRUST IMPROVEMENTS ACT OF 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 576, S. 1854.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1854) to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hart-Scott-Rodino Antitrust Improvements Act of 2000''.

SEC. 2. INCREASE IN THE SIZE OF THE TRANSACTION THRESHOLDS.

(a) IN GENERAL.—Section 7A(a) of the Clayton Act (15 U.S.C. 18a(a)) is amended—

(1) in paragraph (3)(B), by striking ''$15,000,000'' and inserting ''$50,000,000''; and

(2) by adding at the end the following: ''The filing threshold established in paragraph (3)(B) shall be adjusted by the Federal Trade Commission on January 1, 2005, and each year thereafter, in the same manner as is set forth in section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)). The adjusted amount shall be rounded to the nearest $1,000,000. As soon as practicable, but not later than January 31 of each year, the Federal Trade Commission shall publish the adjusted amount required by this paragraph.''.

(b) FILING FEES.—Section 605 of Public Law 101–162 (103 Stat. 1031; 15 U.S.C. 18a note) is amended to read as follows:

''SEC. 605.(a)(1) The Federal Trade Commission shall assess and collect filing fees which shall be paid by persons acquiring voting securities or assets who are required to file premerger notifications by this section.

''(2) The filing fee shall be—

''(A) $45,000 if, as a result of the acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person in an amount of at least $50,000,000 but not exceeding $100,000,000;

''(B) $100,000 if the total amount referred to in clause (i) is greater than $100,000,000 but not exceeding $1,000,000,000; and

''(C) $200,000 if the total amount referred to in clause (i) is greater than $1,000,000,000.

''(2) When the filing threshold established in subsection (a)(3)(B) is adjusted pursuant to subsection (a), the $50,000,000 threshold established in paragraph (1)(B)(i) shall be adjusted to the same amount.

''(3) No notification shall be considered filed until payment of the fee required by this subsection.

''(4) Fees collected pursuant to this subsection shall be divided and credited as provided in section 605 of Public Law 101–162 (103 Stat. 1031; 15 U.S.C. 18a note) (as in effect on the day before the date of enactment of this subsection).''.

SEC. 3. INFORMATION AND DOCUMENTARY REQUESTS.

Section 7A(e)(1) of the Clayton Act (15 U.S.C. 18a(e)) is amended)—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by inserting at the end the following:

''(B)(i) The Assistant Attorney General and the Federal Trade Commission shall each designate a senior official not directly having supervisory responsibility in, or having responsibility for, the review of any enforcement recommendation under this section concerning the transaction at issue to hear any petition filed by the acquiring person or the person whose voting securities or assets are to be acquired, to determine—

''(I) whether the request for additional information or documentary material is unreasonably cumulative, unduly burdensome or duplicative; or

''(II) whether the request for additional information or documentary material has been substantially complied with by the petitioning person.

''(ii) Internal review procedures for petitions filed pursuant to clause (i) shall include reasonable deadlines for expedited review of any such petitions filed, after reasonable negotiations with investigative staff, in order to avoid undue delay of the merger review process.

''(iii) Upon the date of enactment of the Hart-Scott-Rodino Antitrust Improvements Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall conduct an internal review and implement reforms of the merger review process in order to eliminate unnecessary burden, remove costly duplication, and eliminate undue delay, in order to achieve a more effective and more efficient merger review process.

''(iv) Not later than 120 days after the date of enactment of the Hart-Scott-Rodino Antitrust Improvements Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall issue or amend their respective industry guidance, regulations, operating manuals and relevant policy documents, where appropriate, to implement each reform in this subparagraph.

''(v) Not later than 180 days after the date of enactment of the Hart-Scott-Rodino Antitrust Improvements Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall each report to Congress—

''(I) what reforms each agency has adopted under this subparagraph;

''(II) what steps each has taken to implement such internal reforms; and

''(III) the effects of those reforms.''.

SEC. 4. CALCULATION OF FILING PERIODS.

Section 7A of the Clayton Act (15 U.S.C. 18a) is amended—

(1) in subsection (e)(2), by striking ''20 days'' and inserting ''30 days''; and

(2) by adding at the end the following:

''(k) If the end of any period of time provided in this section falls on a Saturday, Sunday, or legal holiday, then that period shall be extended to the end of the following business day.''.

SEC. 5. ADDITIONAL REQUIREMENTS FOR ANNUAL REPORTS.

Section 7A(j) of the Clayton Act (15 U.S.C. 18a(j)) is amended by—

(1) inserting ''(1)'' after ''(j)''; and

(2) inserting at the end the following:

''(2) Beginning with the report filed in 2001, the Federal Trade Commission, in consultation with the Assistant Attorney General, shall include in the report to Congress required by this subsection—

''(A) the number of notifications filed under this section;

''(B) the number of notifications filed in which the Assistant Attorney General or Federal Trade Commission requested the submission of additional information or documentary material relevant to the proposed acquisition;

''(C) data relating to the length of time for parties to comply with requests for the submission of additional information or documentary material relevant to the proposed acquisition;

''(D) the number of petitions filed pursuant to rules and regulations promulgated under this Act regarding a request for the submission of additional information or documentary material relevant to the proposed acquisition and the manner in which such petitions were resolved;

''(E) data relating to the volume (in number of boxes or pages) of materials submitted pursuant to requests for additional information or documentary material; and

''(F) the number of notifications filed in which a request for additional information or documentary materials was made but never complied with prior to resolution of the case.''.

SEC. 6. CONFORMING AMENDMENTS TO CERTAIN REGULATIONS.

(a) IN GENERAL.—The thresholds established by rule and promulgated as 16 C.F.R. 802.20 shall be adjusted by the Federal Trade Commission on January 1, 2005, and each year thereafter, in the same manner as is set forth in section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)). The adjusted amount shall be rounded to the nearest $1,000,000.

(b) PUBLICATION.—As soon as practicable, but not later than January 31 of each year, the Federal Trade Commission shall publish the adjusted amount required by this subsection (a).

AMENDMENT NO. 4333

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. HATCH, for himself, Mr. LEAHY, Mr. DEWINE, and Mr. KOHL, proposes an amendment numbered 4333.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''21st Century Acquisition Reform and Improvement Act of 2000''.

SEC. 2. MODIFICATION OF NOTIFICATION REQUIREMENT.

Section 7A(a) of the Clayton Act (15 U.S.C. 18a(a)) is amended to read as follows:

''(a) Except as exempted pursuant to subsection (c), no person shall acquire, directly or indirectly, any voting securities or assets of any other person, unless both persons (or in the case of a tender offer, the acquiring person) file notification pursuant to rules under subsection (d)(1) and the waiting period described in subsection (b)(1) has expired, if—

''(1) the acquiring person, or the person whose voting securities or assets are being acquired, is engaged in commerce or in any activity affecting commerce; and

''(2) as a result of such acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person—

''(A) in excess of $200,000,000 (as adjusted and published for the first fiscal year beginning after September 30, 2002, and each third fiscal year thereafter, in the same manner as provided in section 8(a)(5) of this Act to reflect the percentage change in the gross national product for such fiscal year compared to the gross national product for the year ending September 30, 2001); or

''(B)(i) in excess of $50,000,000 (as so adjusted and published) but not in excess of $200,000,000 (as so adjusted and published); and

''(ii)(I) any voting securities or assets of a person engaged in manufacturing which has annual net sales or total assets of $10,000,000 (as so adjusted and published) or more are being acquired by any person which has total assets or annual net sales of $100,000,000 (as so adjusted and published) or more;

''(II) any voting securities or assets of a person not engaged in manufacturing which has total assets of $10,000,000 (as so adjusted and published) or more are being acquired by any person which has total assets or annual net sales of $100,000,000 (as so adjusted and published) or more; or

''(III) any voting securities or assets of a person with total assets or annual net sales of $100,000,000 (as so adjusted and published) or more are being acquired by any person with total assets or annual net sales of $10,000,000 (as so adjusted and published) or more.

In the case of a tender offer, the person whose voting securities are sought to be acquired by a person required to file notification under this subsection shall file notification pursuant to rules under subsection (d).''.

SEC. 3. INFORMATION AND DOCUMENTARY REQUESTS.

Section 7A(e)(1) of the Clayton Act (15 U.S.C. 18a(e)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following:

''(B)(i) The Assistant Attorney General and the Federal Trade Commission shall each designate a senior official who does not have direct responsibility for the review of any enforcement recommendation under this section concerning the transaction at issue to hear any petition filed by such person to determine—

''(I) whether the request for additional information or documentary material is unreasonably cumulative, unduly burdensome, or duplicative; or

''(II) whether the request for additional information or documentary material has been substantially complied with by the petitioning person.

''(ii) Internal review procedures for petitions filed pursuant to clause (i) shall include reasonable deadlines for expedited review of such petitions, after reasonable negotiations with investigative staff, in order to avoid undue delay of the merger review process.

''(iii) Not later than 90 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall conduct an internal review and implement reforms of the merger review process in order to eliminate unnecessary burden, remove costly duplication, and eliminate undue delay, in order to achieve a more effective and more efficient merger review process.

''(iv) Not later than 120 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall issue or amend their respective industry guidance, regulations, operating manuals, and relevant policy documents, to the extent appropriate, to implement each reform in this subparagraph.

''(v) Not later than 180 days after the date of the enactment of the 21st Century Acquisition Reform and Improvement Act of 2000, the Assistant Attorney General and the Federal Trade Commission shall each report to Congress—

''(I) which reforms each agency has adopted under this subparagraph;

''(II) which steps each agency has taken to implement internal reforms under this subparagraph; and

''(III) the effects of such reforms.''.

SEC. 4. CALCULATION OF TIME PERIODS.

Section 7A of the Clayton Act (15 U.S.C. 18a) is amended—

(1) in subsection (e)(2), by striking ''20 days'' and inserting ''30 days''; and

(2) by adding at the end the following:

''(k) If the end of any period of time provided in this section falls on a Saturday, Sunday, or legal public holiday (as defined in section 6103(a) of title 5, United States Code), then such period shall be extended to the end of the next day that is not a Saturday, Sunday, or legal public holiday.''.

SEC. 5. ADDITIONAL REQUIREMENTS FOR ANNUAL REPORTS.

Section 7A(j) of the Clayton Act (15 U.S.C. 18a(j)) is amended—

(1) by inserting ''(1)'' after ''(j)''; and

(2) by adding at the end the following:

''(2) Beginning with the report filed in 2001, the Federal Trade Commission, in consultation with the Assistant Attorney General, shall include in the report to Congress required by this subsection—

''(A) the number of notifications filed under this section;

''(B) the number of notifications filed in which the Assistant Attorney General or Federal Trade Commission requested the submission of additional information or documentary material relevant to the proposed acquisition;

''(C) data relating to the length of time for parties to comply with requests for the submission of additional information or documentary material relevant to the proposed acquisition;

''(D) the number of petitions filed pursuant to rules and regulations promulgated under this Act regarding a request for the submission of additional information or documentary material relevant to the proposed acquisition and the manner in which such petitions were resolved;

''(E) data relating to the volume (in number of boxes or pages) of materials submitted pursuant to requests for additional information or documentary material; and

''(F) the number of notifications filed in which a request for additional information or documentary materials was made but never complied with prior to resolution of the case.''.

SEC. 6. CONFORMING AMENDMENTS TO CERTAIN REGULATIONS.

(a) IN GENERAL.—The thresholds established by rule and promulgated as 16 C.F.R. 802.20 shall be adjusted by the Federal Trade Commission on January 1, 2003, and each third year thereafter, in the same manner as is set forth in section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)). The adjusted amount shall be rounded to the nearest $1,000,000.

(b) PUBLICATION.—As soon as practicable, but not later than January 31, 2003, and each third year thereafter, the Federal Trade Commission shall publish the adjusted amount required by this subsection (a).

SEC. 7. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the first day of the first month that begins more than 30 days after the date of the enactment of this Act.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute be agreed to, as amended, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at this point in the RECORD.

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

The amendment (No. 4333) was agreed to.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 1854), as amended, was read the third time and passed.

ORDERS FOR MONDAY, OCTOBER 23, 2000

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I now ask unanimous consent that when the Senate completes its business today, it recess until the hour of 4:30 p.m. on Monday, October 23.

I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business until 4:45 p.m., with Senators speaking up to 5 minutes each with Senator HARKIN recognized during the morning business.

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

PROGRAM

Mr. SESSIONS. Mr. President, for the information of all Senators, the majority leader would advise them that the Senate will convene for a brief session on Monday afternoon for scheduled announcements and possible procedural action on the bankruptcy conference report.

On Tuesday, the Senate is expected to begin consideration of any available conference reports. Leadership will notify the Senators on Monday if votes will be necessary during Tuesday's session of the Senate. It is hoped the Senate can complete its business prior to the expiration of the current continuing resolution. Therefore, votes are possible on Tuesday and will occur throughout the day on Wednesday.

RECESS UNTIL MONDAY, OCTOBER 23, 2000, AT 4:30 P.M.

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:19 p.m., recessed until Monday, October 23, 2000, at 4:30 p.m.

NOMINATIONS

Executive nominations received by the Senate October 19, 2000:

DEPARTMENT OF DEFENSE

HANS MARK, OF TEXAS, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS, VICE HAROLD P. SMITH, JR., RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

GREGORY M. FRAZIER, OF KANSAS, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR. (NEW POSITION)

INTERNATIONAL ATOMIC ENERGY AGENCY

NORMAN A. WULF, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-FOURTH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

INSTITUTE OF AMERICAN INDIAN & ALASKA NATIVE CULTURE & ARTS DEVELOPMENT

ALLEN E. CARRIER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2004, VICE DUANE H. KING, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

BILL DUKE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE CHARLES PATRICK HENRY, TERM EXPIRED.

NATIONAL COUNCIL ON DISABILITY

MARCA BRISTO, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2001. (REAPPOINTMENT)

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

PEGGY GOLDWATER-CLAY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING JUNE 5, 2006. (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be commander

LT. CDR. JANET B. GAMMON, 0000
LT. CDR. KURT B. HINRICHS, 0000
LT. CDR. JOHN E. MINITER JR., 0000
LT. CDR. ROBERT P. FORGIT, 0000
LT. CDR. MARGARETHA L. LUKSHIDES, 0000
LT. CDR. PAUL B. ANDERSON, 0000
LT. CDR. JOHN KOEPPEN, 0000
LT. CDR. WILLIAM F. RYAN, 0000
LT. CDR. MICHAEL STANLEY, 0000
LT. CDR. WILLARD S. ELLIS, 0000
LT. CDR. DAVID M. SINGER, 0000
LT. CDR. MARK G. MASER, 0000
LT. CDR. MILLARD F. ROBERTS, 0000
LT. CDR. JONATHAN L. WOOD, 0000
LT. CDR. WILLIAM R. LOOMIS, 0000
LT. CDR. KATHEN P. CADDY, 0000
LT. CDR. MICHAEL P. STROM, 0000
LT. CDR. CHRISTOPHER D. MAY, 0000
LT. CDR. FRED W. REMEN, 0000
LT. CDR. STEVAN C. LITTLE, 0000
LT. CDR. EDWARD WINGFIELD, 0000
LT. CDR. SCOTT F. OGAN, 0000
LT. CDR. MARGARET A. BLOMME, 0000
LT. CDR. MALCOLM C. VELEY, 0000
LT. CDR. SERENA J. DIETRICH, 0000
LT. CDR. DOUGLAS W. HEUGEL, 0000
LT. CDR. LAWRENCE V. FOGG, 0000
LT. CDR. ROBERT W. RITCHIE, 0000
LT. CDR. JOHN M. PROKOP, 0000
LT. CDR. NONA M. SMITH, 0000
LT. CDR. KEVIN J. GATELY, 0000
LT. CDR. LISA MILONE, 0000
LT. CDR. BRUCE F. BRUNI, 0000
LT. CDR. GREGORY R. PHILLIPS, 0000
LT. CDR. MICHAEL D. COLLINS, 0000
LT. CDR. CONRAD W. ZVARA, 0000
LT. CDR. STEVENS E. MOORE, 0000
LT. CDR. JOHN T. LAUFER, 0000
LT. CDR. FRANCIS S. PELKOWSKI, 0000
LT. CDR. ROBERT F. CUNNINGHAM, 0000
LT. CDR. THOMAS C. THOMAS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CDR. MARK S. TELICH, 0000
CDR. MICHAEL A. RUSZCZYK, 0000
CDR. STEPHEN J. KENEALY, 0000
CDR. MICHAEL T. BROWN, 0000
CDR. PATRICK L. DONAHUE JR., 0000
CDR. RAY T. BURKE, 0000
CDR. MICHAEL F. MORIARTY, 0000
CDR. MARTIN A. HYMAN, 0000
CDR. RICHARD G. SULLIVAN, 0000
CDR. ROBERT J. GALLAGHER, 0000
CDR. DONALD C. GRANT, 0000
CDR. LAUREN L. JOHNSON, 0000
CDR. FRANK E. MULLEN, 0000
CDR. KEITH C. GROSS, 0000
CDR. JAMES Z. CARTER, 0000
CDR. TIMOTHY R. GIRTON, 0000
CDR. PAUL H. CRISSY, 0000
CDR. STEVEN T. PENN, 0000
CDR. JOHN M. BROWN, 0000
CDR. DEBORAH A. DOMBECK, 0000

AFRICAN DEVELOPMENT FOUNDATION

CLAUDE A. ALLEN, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2005, VICE MARION M. DAWSON, TERM EXPIRED.

WILLIE GRACE CAMPBELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2005. (REAPPOINTMENT)

INTER-AMERICAN FOUNDATION

FRED P. DUVAL, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2002, VICE ANN BROWNELL SLOANE, TERM EXPIRED.